

*Snake River – Hells Canyon
Total Maximum Daily Load
(SR-HC TMDL)*

US EPA Comment and Response Matrix

*Prepared for comments received from US EPA during the
December 21, 2001 through April 19, 2002
Public Comment Period*

*Prepared by:
Idaho Department of Environmental Quality (IDEQ)
Oregon Department of Environmental Quality (ODEQ)*

B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst=pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown				
No.	From	Category Theme	Comment	Response
1	US EPA	General comments	A more direct explanation of the application of Idaho and Oregon Water Quality Standards for temperature -- where, when and how are the two states' respective standards being applied?	Clarifying text has been added to better define the criteria used, where and when it has been applied, and define extent of the temperature assessment within the system.
2	US EPA	General comments	Increased fall temperatures below the Hells Canyon dam complex should be considered in the temperature TMDL.	The temperature TMDL has been rewritten to address this issue.
3	US EPA	General comments	<p>Load allocations to tributaries.</p> <p>How does IDEQ intend to address the reductions called for in this (the Lower Boise River) TMDL? We suggest that if the waterbody is delisted and a TMDL developed separately, that it be developed as an amendment to this TMDL. In addition, it would be helpful to clarify that these allocations are based only upon an assessment of what is required to attain water quality standards in the Snake River and that no assessment of whether these conditions will attain tributary water quality criteria has been attempted in this TMDL. Thus, it is possible that future tributary work could require reductions greater than those assigned in this TMDL and could find conditions different from those assumed herein. In particular, we suggest you specifically state in the temperature TMDL that the assumptions made regarding natural and anthropogenic contributions of heat in the tributaries are not to be assumed to be accurate for purposes of developing tributary TMDLs.</p>	<p>In the case where a TMDL for other pollutants is already in place (Payette and Boise Rivers), IDEQ will prepare a tributary-specific TMDL through the existing tributary TMDL process as part of the Implementation Plan for the approved TMDL, through the existing WAG and other technical and stakeholder groups for the tributary TMDL. In the case where a TMDL is not already in place (Weiser, Owyhee and Malheur Rivers), IDEQ will prepare a tributary-specific TMDL through the existing tributary TMDL process as part of the scheduled tributary TMDL as an extension of the SR-HC TMDL process, through the WAG and other technical and stakeholder groups that participate in the preparation of the tributary TMDL. ODEQ does not intend to list the tributaries to the Snake River/Hells Canyon TMDL for these pollutants. ODEQ, however, does intend to analyze pollutant levels and sources within the tributary subbasins and set allocations as appropriate as part of the development of TMDLs for the subbasins. The Water Quality Management Plan (WQMP) for the subbasins will also address implementation of pollutant load allocations as appropriate. If the analyses indicates that the target criteria for the inflow of the tributary to the Snake River cannot be achieved as a result of non-anthropogenic sources, the Department will, as resources allow, reopen the Snake TMDL and adjust the allocations accordingly, as appropriate.</p> <p>Recommended text has been added.</p>

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No.	From	Category Theme	Comment	Response
4	US EPA	General comments	Quantified allocations should be developed for mercury and pesticides.	We agree that there is sufficient information to quantify a gross allocation for pesticides in the SR-HC TMDL reach. This has been accomplished and the pesticide TMDL has been rewritten. There is essentially no water column data available for mercury, and estimated geologic and air deposition loading are substantial when compared to the calculated capacity. For this reason (among others), the mercury TMDL has been postponed until 2006 to allow for necessary data collection. A letter from IDEQ regarding this decision has been received and approved by EPA.
5	US EPA	General comments	Each State should clarify whether they are submitting TMDLs for all of the pollutants for which TMDLs have been developed or whether they seek EPA's approval for only those pollutants and segments that are listed on their current 303(d) list.	ODEQ and IDEQ intend to submit the SR-HC TMDL jointly for all pollutants for which a TMDL has been developed. The specific mechanism for submittal is currently under consideration.
6	US EPA	General comments	Provide a quantified wasteload allocation for all point source discharges rather than a "no net increase" from current levels. Discuss any expectations about permit modifications or permit issuance with the EPA NPDES Program before establishing commitments.	Point source loading and waste load allocations have been assessed and will be applied daily on a monthly average basis and based on design flows. A quantifiable waste load or mechanism for calculating the waste load has been provided for all point source discharges, along with a discussion of permit modifications necessary and applicable metrics. The limit may be set as a monthly average (applied daily), daily max or instantaneous max or other metric as appropriate at the discretion of the permit writer.
7	US EPA	Specific comments	Page i. Table 1.0.1a EPA listed the Snake River from the Salmon River to Hells Canyon Dam for temperature as part of our revisions to Idaho's 1998 303(d) List. Therefore, temperature should be included in the list of Idaho 303(d) Listed Pollutants for the Downstream Snake River segment. This segment should also be included in all later text which refers to temperature listed segments.	Temperature has been added as appropriate.
8	US EPA	Specific comments	Page k. Table 1.0.2 Mercury. No mention is made here of the impairment in the three downstream reaches.	No data are available to determine impairment. A more detailed discussion of this and some projections are included in the Mercury loading analysis section.
9	US EPA	Specific comments	Page l. Table 1.0.2 Nutrients. No mention is made of the impairment in Oxbow Reservoir.	Very little data are available to determine impairment. A more detailed discussion of this and some projections are included in the Nutrient loading analysis section.
10	US EPA	Specific comments	Page l. Table 1.0.2 Pesticides. No mention is made of the impairment in the three downstream reaches.	No data are available to determine impairment. A detailed discussion of this and some projections are included in the Pesticide loading analysis section.

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11	US EPA	Specific comments	Page m. 1.0.3.3 Pollutant Sources – Stormwater. It is noted in Table 1.0.3, the TMDL summaries (Section 1.0.5), and the Upstream Snake Segment Water quality assessment that stormwater and/or municipal stormwater is a potential source of DO, mercury, nutrients, sediment and temperature. However, none of the loading analyses or allocations appear to address either municipal or industrial stormwater. Where no allocation is provided, we interpret this as an allocation of zero. Therefore, in accord with this omission, any stormwater permits issued by EPA Region 10 for Idaho (industrial or MS4) would likely be written to provide for no discharge of these pollutants in stormwater discharges which discharge to this reach of the Snake River. We suggest that allocations be provided or an explanation provided to explain why these sources are not being addressed.	Stormwater discharges are included in the load allocations for nonpoint sources discharging directly to the Snake River. They are identified in the “unmeasured load” allocation in the pollutant-specific sections of the Load Allocation section. ODEQ and IDEQ have identified nonpoint source load allocations to stormwater sources in this and previous TMDLs.
12	US EPA	Specific comments	Page r. Temperature. A paragraph explaining what will be done to address temperatures during the spawning period should be added to this section.	An explanation has been added.
13	US EPA	Specific comments	Page t. Table 1.0.4 Temperature. It would be helpful to add “If non-anthropogenic conditions cause exceedence of numeric criteria” and “0.14 cumulative increase from anthropogenic sources” to this table.	Text has been added as appropriate.
14	US EPA	Specific comments	Page t. TMDL Summaries. Several of the WLAs appear to be based on “no net increase.” This includes the WLAs for mercury, the dam allocations in the nutrient TMDL and the Amalgamated Sugar and dam allocations in the sediment TMDLs. In several discussions we have had with the IDEQ staff that certify permits, they have indicated that they will not implement or certify based on “no net increase.” In these cases, EPA permit writers are faced with interpreting this as a zero load allocation, thus allowing for no discharge of the pollutant. Thus, the TMDL should provide a quantified WLA if it provides for any discharge load.	No-net-increase language has been removed and specific waste load allocations have been identified for all TMDLs.
15	US EPA	Specific comments	Page Aa 1.0.5.5 Temperature, Target(s). Since the non-anthropogenic increase clause is the basis for the target applied in the TMDL, we recommend that it also be included in this summary.	Language has been added as appropriate.
16	US EPA	Specific comments	Page Cc 1.0.5.6 Total Dissolved Gas, Waste Load Allocations. It would be helpful to include a notation that there are no WLAs instead of leaving that section blank.	Notation has been added.

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17	US EPA	Specific comments	Page dd. Table 1.0.5 Citation Column. References to the State of Idaho should be removed from three of the entries under "Citation."	Text has been removed as appropriate.
18	US EPA	Specific comments	Page ee. Reasonable Assurance, first paragraph after Table. The legal citation infers that this paragraph is only applicable to Idaho. Please clarify.	Reference to Oregon code has been added as appropriate.
19	US EPA	Specific comments	Page 24 Section 2.0.9 Pollution Trading. EPA supports Idaho and Oregon in considering trading for the SR-HC TMDL. We believe that the Lower Boise Trading Framework provides a firm foundation from which to do this. We agree with your suggestion that trading on such a large scale will require more analysis and that accompanying implementation issues will need to be addressed. However, no discussion is provided on the source of funding to conduct this work. Among the significant issues which need to be addressed are the potential water quality impacts from trading between tributary inflows to the Snake and between stretches of the main stem of the Snake; mechanisms which will ensure the 0.07 mg/l instream target will be attained while trades are employed; protection of water quality on the local scale; and the environmental and economic feasibility of trading within each tributary watershed. If trading between tributaries and the mainstem is contemplated, a mechanism will need to be developed which will ensure that the total loading discharged into each tributary will not exceed their allocation set by the SR-HC TMDL at the inflow point. In addition, if trading is to occur prior to a TMDL distributing the tributary allocation among the various sources in that watershed, we recommend that you refer to EPA's soon-to-be released "Proposed Water Quality Trading Policy Statement" for additional guidance. Please note that this draft policy requires a net reduction of the pollutant such that a direct water quality benefit may be obtained.	Text has been added as recommended.
20	US EPA	Specific comments	Page 25 Section 2.0.9 Pollution Trading. If nonpoint source-to-nonpoint source pollution trades are contemplated, mechanisms will need to be developed to hold the buyer or seller accountable for the validity of the credit's underlying reduction and to ensure that credit purchases can be tracked. These mechanisms would have to provide the same type of assurances required of point sources in the Lower Boise trading framework.	Comment noted. Clarifying text has been added as appropriate.

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No.	From	Category Theme	Comment	Response
21	US EPA	Specific comments	Page 52 Spawning and Incubation Periods, Fall Chinook. It is our understanding that fall chinook spawn between October 9 and December 15, with emergence from incubation extending until March 31. This increased spawning and incubation period should be utilized and incorporated into the temperature TMDL.	A very detailed discussion of the reasoning behind the spawning and incubation periods identified in the SR-HC TMDL has been added to the temperature loading analysis section. These spawning periods have been identified in the other portions of the document where salmonid spawning is discussed.
22	US EPA	Specific comments	Page 55 Salmonid Rearing. The last paragraph in this section refers to the application of Idaho's salmonid spawning designation and thus should be moved to the previous section. Our understanding is that Idaho has revised the use designation for the reservoirs but has yet to submit this to EPA for approval. As such, the old use designations apply for CWA purposes. However, since the salmonid spawning designation specifies that this applies only when and where salmonids are present and spawning, we suggest that, for purposes of this TMDL, that this clause guide the application of the use designation. A consistent description of this should be utilized throughout the TMDL, including the descriptions contained in the overview for each TMDL reach and Table 2.2.3.b.	The identified text has been rewritten throughout the document to maintain consistency and clearly identify the current status of the salmonid spawning concern as noted in the comment.
23	US EPA	Specific comments	Page 60 Section 2.2.2.3 T&E Species. The opening paragraphs note that sockeye salmon (and maybe pacific lamprey although that is not clear) are listed species yet no description follows. These descriptions should be added.	These species were identified as potentially present by members of the technical advisory group for this TMDL. However, no data or information (other than historic anecdotal accounts) were available. A discussion of this situation has been added to the document to address this comment.
24	US EPA	Specific comments	Page 64 2.2.4.1 Dissolved Oxygen. Discussion should be added to the second paragraph regarding DO targets for salmonid spawning below Hells Canyon where it is designated and known to occur.	Text has been added as appropriate.
25	US EPA	Specific comments	Page 72 2.2.4.5 Sediment. We recommend adding additional discussion highlighting the significance of irrigated agriculture as a source of sediment, especially since it is likely one of the largest sources of sediment in the Boise, Payette, Malheur and possibly other drainages.	A discussion of sediment sources, including agriculture, is contained in the Sediment loading analysis.
26	US EPA	Specific comments	Page 74 2.2.4.6 Temperature. In the second paragraph, please include a discussion of the applicable temperature criteria for salmonid spawning which would apply in the Downstream Snake River segment.	Discussion has been added as appropriate.
27	US EPA	Specific comments	Page 101 Sect 2.3.1.2 pH. Editorial note: A subheading for pH should be added.	Subheading has been added.

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28	US EPA	Specific comments	Page 102 pH Current Data. In the second paragraph, the target is indicated to be 6.0 - 9.0, whereas in Table 2.2.2, the target is listed as 7.0 - 9.0. Were the evaluations of exceedence based on the 6.0 or 7.0 value?	Evaluations were based on 7.0 to 9.0. The identification of a 6.0 to 9.0 range was a typographical error and has been corrected.
29	US EPA	Specific comments	Page 104 2.3.1.2 Sediment, current data. It appears some text was omitted.	Error has been corrected as appropriate.
30	US EPA	Specific comments	Page 119 last paragraph. Mountain whitefish are identified as being tributary spawners in the last paragraph, but are identified as mainstem spawners on p. 52 and 177. Our understanding is that they spawn in larger waterbodies, both mainstem rivers and in larger tributaries such as the Boise and Payette Rivers. We recommend that the DEQs clarify this point, and provide references to information sources, e.g., Fish and Game and/or other agencies or reports, confirming whether or not whitefish spawn in the listed segments of the Snake River.	Clarification has been made as appropriate.
31	US EPA	Specific comments	Page 141 Temperature - Water quality Targets, mid paragraph. Our understanding is that the TMDL does not establish salmonid spawning temperature targets for tributaries, but the wording in the TMDL is somewhat unclear. The following revisions may help clarify the intent here and elsewhere: "Therefore, the salmonid spawning beneficial use designation and its accompanying water quality targets apply to those tributaries so designated. As these tributaries are not interstate waters nor part of this TMDL, and salmonid spawning use support is a localized habitat issue, state-specific targets for salmonid spawning will be determined by each State outside the scope of this TMDL." We suggest similar language also be added to the equivalent section for each of the other TMDL reaches where tributary flows are similarly handled.	Clarification has been made as appropriate.
32	US EPA	Specific comments	Page 159 Sediment Oxbow Reservoir - Current Data, second paragraph. suggested correction: "... 8 to 215 mg/l (late winter months). While these data show instantaneous values that are in excess of those identified as sediment targets ..."	Change has been made as recommended.

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33	US EPA	Specific comments	<div> <p>Page 209 Table 3.0.2, Point Source Identification. In section 2.3.1.4, p. 110 it is noted that there are a number of point sources yet they are never specifically identified (they are for other TMDL reaches, just not this one). Section 2.5.2 notes that the point sources are listed in this section. A list of point sources is included in Table 3.0.2, p 209. It would be clearer if this section, and section 2.5.2 both reference Table 3.0.2 as the location where permitted point sources are listed. This table should be revised to address the municipal stormwater and CAFO permits noted in section 2.3.1.4, p. 110 and the Iron Dyke Mine noted in Section 2.3.4.4, p. 173.</p> </div> <div> <p>Table 2.5.0 lists point sources specific to the SR-HC TMDL reach. The Iron Dyke mine (now known as Alta Gold) does not have an NPDES permit. It is a WPCF permit (#101628) through the state of Oregon. There is no discharge to the Snake River, therefore there is no need for a load allocation. The text in the TMDL has been rewritten to address this comment. ODEQ and IDEQ have identified nonpoint source load allocations to stormwater sources in this and previous TMDLs. CAFOs in the State of Oregon are handled by the State Department of Agriculture through a separate permitting process.</p> </div>
34	US EPA	Specific comments	<div> <p>Page 235 It would be helpful if river miles were used to identify sampling sites in addition to the place names, e.g., "Farewell Bend." The origin, time period, etc. of data plotted should be made clear. It is sometimes unclear for which years data have been plotted and whether means or medians have been used.</p> </div> <div> <p>River miles have been added as appropriate.</p> </div>
35	US EPA	Specific comments	<div> <p>Page 235 3.2.1 4th paragraph. Note typo: criteria are applicable to waters NOT discharging into lakes or reservoirs.</p> </div> <div> <p>Error has been corrected.</p> </div>
36	US EPA	Specific comments	<div> <p>Page 236 3.2.1.1 Last Paragraph of subsection. This paragraph appears to be unnecessary, since total P is considered the most conservative of the various measures of phosphorus content in water. In addition, the digestion used in the determination of total phosphorus concentration causes this parameter to generally have a higher variance than that of soluble phosphorus.</p> </div> <div> <p>Discussion has been removed.</p> </div>
37	US EPA	Specific comments	<div> <p>Page 253 Figure 3.2.3. It is not clear what the time period is for the data plotted in Figure 3.2.3, i.e., is it all data collected since 1975? Also, are means or medians being plotted? The same information should be provided for all figures, e.g., Figures 3.2.4, 3.2.5.</p> </div> <div> <p>Figure captions have been updated to include appropriate information.</p> </div>
38	US EPA	Specific comments	<div> <p>Page 255 First paragraph, third full sentence. The sentence beginning with "However, this increase in available dissolved...." should be deleted (see comment below, page 256).</p> </div> <div> <p>Change has been made as recommended.</p> </div>
39	US EPA	Specific comments	<div> <p>Page 256 First paragraph, second full sentence (A portion of this phosphorus....) It is unlikely that any inorganic particulate phosphorus contributes significantly to the dissolved phosphorus (the author's orthophosphate) pool under aerobic conditions. If there is evidence of mobilization of P from the sediments then that should be presented.</p> </div> <div> <p>Text has been rewritten to address this comment.</p> </div>

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40	US EPA	Specific comments	Page 256 First sentence following Figure 3.2.5 (A direct correlation). No direct correlation appears to be shown in this figure. Moreover, it appears that the maximum algal biomass that will develop in Brownlee is not a function of the chlorophyll concentration flowing into the reservoir. Since residence time is not a factor, the maximum algal biomass in the reservoir will be determined by the total P concentration in the inflowing water. The inflowing algae will affect oxygen demand but not algal dynamics. Thus this discussion should be deleted.	Text has been rewritten to address this comment.
41	US EPA	Specific comments	Page 256 Last paragraph, next to last sentence (Hells Canyon Reservoir is smaller.....). In what way is Hells Canyon a good reference for Brownlee? Are residence times similar, etc? The author should be explicit regarding why one system can be used as a reference for the other.	This discussion has been removed and suggested text added as described in following comments.
42	US EPA	Specific comments	Page 258 Second, third and fourth full paragraphs. These paragraphs are repeated on Page 266.	Duplication has been removed.
43	US EPA	Specific comments	Page 258 Second full paragraph. editorial note: Aphanizomenon is misspelled.	Misspelling has been corrected.
44	US EPA	Specific comments	Page 258 It should be determined to what extent the algae deplete the dissolved P pool during major blooms, i.e., do the algae drive the P to undetectable levels? If not, then there is a reserve of P available and this should be taken into account in your analysis. A scatter plot of soluble P versus chlorophyll would answer this.	Figure and associated text have been reworked to better address this and other associated comments.
45	US EPA	Specific comments	Page 259 Figure 3.2.6 a & b. Is this figure necessary? A scatter plot of soluble P versus chlorophyll a might be a better way to illustrate the point.	It is important to note the location of change in the chlorophyll a and orthophosphate concentrations relative to each other. Figure and associated text have been reworked to better address this and other associated comments.
46	US EPA	Specific comments	Editorial note: The right axis on Figure 3.2.6b appears to be off by a factor of 10.	Figure has been removed.
47	US EPA	Specific comments	Page 267 3.2.8.4 Definition of Reference Conditions. This section should be rewritten to better define the location of the reference sites (river miles) and to justify their use. That is, are they minimally impacted as per EPA Guidance (2000)? Data from 303(d) listed sites should not be used in this analysis. With respect to total P, the sites could be described as per EPA figure 1 (attached). There appear to be three natural groupings of sites here. (See next comment).	Recommended figure has been added along with discussion to the extent possible. There are no sections of the mainstem Snake River with flow conditions similar to those observed in the SR-HC TMDL reach that are not 303(d) listed, therefore the use of data from unlisted segments is not possible. However, a relative “magnitude” of impairment for the sections used has been added to the text to address this comment.
48	US EPA	Specific comments	Page 267 Last paragraph. (Many sections of the Snake River....). The similarities referred to here should be described explicitly, i.e., flow, temperature, etc.	Text has been rewritten to address this comment.

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49	US EPA	Specific comments	Page 268 Figures 3.2.9 and 3.2.10. The x-axis should have actual ranks. A cdf would provide a better summary of these data (See EPA figure 2 and EPA figure 3, attached).	Plots have been replaced with cdf plots as recommended.
50	US EPA	Specific comments	Page 269 Third paragraph. (US EPA guidance suggests....). The guidance uses the 25th and 75th percentiles only as examples of how one might go about defining reference conditions. There is no reason a priori why the 75th percentile of "reference" conditions should be used over any other percentile. However, EPA figure 2 (attached) illustrates that using stations above RM 600 as a reference sites produces a 75th percentile of about 70 ug total P.	Text has been changed as per this comment and the associated recommendations from follow-up phone conversations.
51	US EPA	Specific comments	Page 269 Last sentence (Additionally, the integrated...). This sentence should be deleted as the area under these curves does not represent total mass of phosphorus.	Sentence has been deleted as recommended.
52	US EPA	Specific comments	Page 270 Figure 3.2.11 We suggest you replace this with EPA figure 3 (attached).	Plot has been replaced as recommended.
53	US EPA	Specific comments	Page 270 Figure. 3.2.12 We suggest you replace this figure with EPA figure 2 (attached).	Plot has been replaced as recommended.
54	US EPA	Specific comments	Page 271 Figure 3.2.13 and 3.2.14 We suggest you replace these figures with EPA figures 1 and 2 (attached).	Plots have been replaced as recommended.
55	US EPA	Specific comments	Page 272 3.2.8.5 Phosphorus Target Identification, third paragraph. This discussion of chlorophyll versus total P regression can be deleted. There is no reason why a break should occur in the regression slopes at the places indicated by the author.	Discussion has been deleted as recommended.
56	US EPA	Specific comments	Page 273 Fig. 3.2.15 See EPA figure 4 (attached).	Plot has been replaced as recommended.

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57	US EPA	Specific comments	<p>Page 275 3.2.8.6 Target Evaluation, last paragraph (The total phosphorus concentration target....). The target of 0.07 mg/L total P (over the growing season) will probably result in a median chlorophyll concentration of about 12 ug/L (See EPA figure 4, attached). When median total P concentrations are at 0.07 mg/L, maximum chlorophyll concentrations rarely exceed 30 ug/L in this system (this is because to a first approximation about one-half of the total P in a system is available to the algae). Therefore maximum total P concentrations of 0.07 mg/L will result in substantially lower median seasonal chlorophyll concentrations, probably around 15 ug/L. This is corroborated when comparing the Snake to other lakes and reservoirs in Region 10 (EPA figure 5, attached). Median total P concentrations during the growing season below 0.07 mg/L typically produce median chlorophyll a concentrations less than 15 ug/L. If the target of 0.07 mg/L total P in the Snake is realized, median total P will be much less than 0.07 mg/L and the chlorophyll concentrations correspondingly lower. Thus the "average" of 12 ug/L chlorophyll a corresponding to a maximum total P of 0.07 mg/L appears to be reasonable. Moreover, the 0.07 mg/L target will eliminate the large peaks in chlorophyll observed in the upper part of the reservoir (EPA figure 4, attached).</p>	Plots and text have been added as recommended.
58	US EPA	Specific comments	<p>Page 290 3.2.8.8 Target period for nutrients. The TP target will apply during the May - September time frame. Data in Figure 3.2.20 would suggest that in order to better limit algae/organic loading to Brownlee Reservoir, the States should consider extending the time frame to include April, since the chlorophyll a loading in April exceeds that of July, August, and September.</p>	<p>The DEQs have considered this issue. Our calculations show that the May through September time frame accounts for over 70% of the total loading at RM 335 (Farewell Bend). While there is a substantial amount of loading that occurs in April, it is our opinion that the majority of this loading is due to spring-runoff and high flow events. These events are not effectively controlled with BMPs and much of the load delivered is the product of natural erosive processes. Additionally, this load, to a great extent, is projected to be moved rapidly through the system as a part of flood control operations, and does not substantially influence the identified problems of summer growth within the SR-HC TMDL reach. If the EPA has some additional information or insight specific to these concerns however, we will definitely consider this in our final decision.</p>

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59	US EPA	Specific comments	<div>Page 324 3.5.8 TMDL determination for sediment To be consistent with the year round nature of the TSS target, we suggest the following clarification: "... although the TSS target applies year round, implementation of this target will focus on the summer growing months as that is where the available data ..."</div> <div>Text has been rewritten to incorporate this suggestion.</div>
60	US EPA	Specific comments	<div>Page 326 3.6.1 Temperature target. Salmonid spawning is not observed to occur in the Upstream Snake River, Brownlee Reservoir, Oxbow Reservoir or Hells Canyon Reservoir." It's important that references to Fish and Game or other studies and information be cited in order to support these statements, as they are key to the temperature TMDL.</div> <div>The temperature loading analysis has been rewritten to better address these concerns.</div>
61	US EPA	Specific comments	<div>Page 328 3.6.1.3. The fall chinook spawning period is indicated to be Oct 9 - April 30 (p. 328), Oct 21 to Dec 13 (p.353), and Sept 15 to April 15 (p. 399). It would be helpful to clarify the appropriate spawning window for this species in the Downstream Snake River segment and use it wherever the discussion occurs in the TMDL.</div> <div>A very detailed discussion of the reasoning behind the spawning and incubation periods identified in the SR-HC TMDL has been added to the temperature loading analysis section. These spawning periods have been identified in the other portions of the document where salmonid spawning is discussed.</div>
62	US EPA	Specific comments	<div>Page 395 Table 3.6.8 Temperature allocation Load allocations should be quantified. A quantitative load allocation is required. Our suggestion would be to set a LA for each tributary at the calculated load (per section 3.6) and specify that the LA for all other nonpoint source activities is 0. It should also be noted that no explicit allocation is provided to natural background due to the form of the loading capacity.</div> <div>Changes have been made to clarify the load allocations set for tributaries and direct nonpoint source discharges. A notation that no explicit allocation is provided to natural background due to the form of the loading capacity has been added.</div>
63	US EPA	Specific comments	<div>Page 405 Load Allocations. Several of these TMDLs include allocations to tributaries and to the Snake River input upstream of the SR-HC TMDL Reach. A description of the process to be utilized for TMDL development on the tributaries should be included.</div> <div>Text has been added in the load allocation section to address this comment.</div>
64	US EPA	Specific comments	<div>Page 408 Sect 4.0.1.3 Margin of Safety. This section would be strengthened if some of the conservative measures utilized in developing the 0.07 target were specified.</div> <div>Target and MOS have been clarified.</div>
65	US EPA	Specific comments	<div>Page 413 Sect 4.0.2.5 Reserve. It is unclear how this applies to a reserve allocation. Please clarify.</div> <div>Clarification has been added.</div>

B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst=pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown				
No.	From	Category Theme	Comment	Response
66	US EPA	Specific comments	Page 413 4.0.2.6 Total Phosphorus Load Allocations. No WLA has been provided for the MS4 stormwater permits mentioned in the Upstream Snake River segment assessment (Sect 2.3.1.4, p 110; 2.3.1.5 p. 113)? If these are contributing, they should be assigned a WLA. If not, the reason for that should be explained.	Stormwater discharges are included in the load allocations for nonpoint sources discharging directly to the Snake River. They are identified in the “unmeasured load” allocation in the pollutant-specific sections of the Load Allocation section. ODEQ and IDEQ have identified nonpoint source load allocations to stormwater sources in this and previous TMDLs. Iron Dyke Mine (Alta Gold) is not discharging into a waterbody listed for nutrient impairment therefore it does not require a load allocation or reduction in nutrient loading.
67	US EPA	Specific comments	Page 413ff Total Phosphorus Allocations. It is unclear exactly how the allocations were developed. A concise description of the methodology utilized would be helpful. As written, it is unclear what was proposed and what was utilized in the final approach.	This section has been rewritten to clarify the approach used.
68	US EPA	Specific comments	Page 418 Proposed Point Source Approach, 1. Please include concise descriptions of the state methods utilized in the development of the proposed WLAs.	This section has been rewritten to clarify the approach used.
69	US EPA	Specific comments	Page 418 Sect 4.0.2.6 Proposed Point Source Approach, #4 It appears that part of this finding was left out.	Omission has been corrected.
70	US EPA	Specific comments	Page 418 Table 4.0.9 Phosphorus allocation. There appear to be arithmetic errors in the allocation table as follows. Summing the natural loading results in 950 kg/day vs. 916 kg/day in the table. The total of the wasteload and nonpoint source allocations equals 2611 kg/day, vs. 2495 in the table. The sum of allocations plus natural loading is 3561 vs. 3411 in the table. As a result, it appears that the allocations exceed the LC by 152 kg/day, and will need to be reduced by this amount in order to be consistent with the definition of a TMDL: LC = WLA + LA + natural background + MOS.	This table has been updated to reflect the final data set. Sum has been checked.
71	US EPA	Specific comments	Page 421 4.0.3.5 Load Allocations. It appears that the LA is zero for all sources except for current in-stream sources. A LA for these latter sources should also be identified. Our suggestion is that this be quantified as “LC - MOS.”	Pesticide load allocations have been established in a “bulk” format.
72	US EPA	Specific comments	Page 421 4.0.3.3 Pesticide margin of safety. The margin of safety is stated to be conservative target and loading capacity values. However, the target is based on the pesticide criteria, and the load capacity is based on average flows, so it is not apparent what is conservative. We would recommend adding a numeric MOS, or further clarify what conservative assumptions that have been used.	An explicit 10% margin of safety has been added.

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No.	From	Category Theme	Comment	Response
73	US EPA	Specific comments	Page 421 Pesticide seasonal variation/critical conditions. These required elements of a TMDL are not discussed.	Discussion has been added. Load allocations are year-round. Critical time period for delivery is projected as April through October.
74	US EPA	Specific comments	Page 421 Table 4.0.11 Pesticide allocations. Pesticide wasteload allocations are clearly stated as zero, but there are no quantified load allocations. Numeric load allocations should be specified for two sources: current applications and legacy loading. The section currently lumps both into a single zero application. It would be more appropriate to specify the load for the current application as zero and the load allocation for the legacy load as equal to, or slightly less than, the loading capacity. If this load was set slightly less than the loading capacity, it would serve to strengthen the MOS.	This table has been revised to address this comment and clarify the nature of the load allocations. Point source load allocations for current application are clearly stated as zero. Load allocations for legacy application are defined in Table 4.0.11.
75	US EPA	Specific comments	Page 425 4.0.4.3 Margin of Safety. This section would be strengthened if the conservative measures utilized in developing the targets were specified.	An explicit 10% margin of safety has been added.
76	US EPA	Specific comments	Page 425 4.0.4.6 Load Allocations. No WLA has been provided for the MS4 stormwater permits or the Iron Dyke Mine discharge mentioned in the Upstream Snake River segment assessment. If these are contributing sediment to the mainstem, they should be assigned a WLA. If not, the reason for that should be explained. If no WLA is provided, it will be interpreted as an allocation of zero TSS.	Nonpoint source stormwater discharges are included in the load allocations for nonpoint sources discharging directly to the Snake River. They are identified in the "unmeasured load" allocation in the pollutant-specific sections of the Load Allocation section. Point source waste load allocations are clearly stated as being "at existing permit limits". ODEQ and IDEQ have identified nonpoint source load allocations to stormwater sources in this and previous TMDLs. Iron Dyke Mine (Alta Gold) is not discharging into a waterbody listed for nutrient impairment therefore it does not require a load allocation or reduction in nutrient loading.
77	US EPA	Specific comments	Page 426 Table 4.0.15 Sediment allocations. Wasteload allocations for 4 point sources with "negligible" impacts are set at "no net increase." To facilitate the permit issuance process, we recommend that a quantified load allocation be assigned to these sources. One potential approach would be to set this load at the current TSS limit in the current NPDES permit multiplied by the design flow. The sum of the load allocations, natural background and wasteload allocations appears to be greater than the loading capacity. These should be adjusted so that the sum of the final allocations do not exceed the loading capacity.	Point source waste load allocations have been identified as "at existing permit limits" which are quantitative. The sum has been checked.

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No.	From	Category Theme	Comment	Response
78	US EPA	Specific comments	Page 427 4.0.6.1 Loading, last paragraph. We suggest that further clarification be added to this paragraph regarding how the tributary temperature assumptions utilized in this TMDL are to be applied to the tributaries. We suggest the following: "The assumptions utilized in the loading assessment for this TMDL were utilized for the purposes of calculating the potential impact of tributary loading on main stem temperatures. These assumptions have not been verified and thus, may not reflect the actual conditions present in the tributaries. In addition, this TMDL does not address temperature reductions that may be required in the tributaries themselves to meet water quality standards in the tributaries. Those will be assessed through the tributary TMDL process."	Text has been added as recommended.
79	US EPA	Specific comments	Page 429 4.0.6.6 Load Allocations. A quantitative load allocation is required. Our suggestion would be to set a LA for each tributary at the calculated load (per section 3.6) and specify that the LA for all other nonpoint source activities is 0. (It would also be possible to assign a non-zero gross nonpoint source allocation such that the sum of the LA + WLA is not greater than 0.14 C.) It should also be noted that no explicit allocation is provided to natural background due to the form of the loading capacity. The TMDL does not appear to include a near-field assessment of impacts from discharging at temperatures above the numeric criteria. We recommend that such an assessment take place and that discharges be limited to the incipient lethal temperature of salmonids (77° F) in areas where salmonids may be present and potentially impacted by the temperature of the discharge prior to its assimilation with the main flow of the river. You may wish to consider adding a WLA for future point sources, established at the level of "no measurable increase" so that any new sources may be addressed without requiring revisions to this TMDL.	Changes have been made to clarify the load allocations set for tributaries and direct nonpoint source discharges. A notation that no explicit allocation is provided to natural background due to the form of the loading capacity has been added. The TMDL states that a near-field assessment of impacts from discharging at temperatures above the numeric criteria will be included in the permitting process for point sources. A WLA for future point sources has been established at the level of "no measurable increase", as recommended.
80	US EPA	Specific comments	Page 430 4.0.7.1 Loading, 2nd paragraph. The reference to the table should be changed to Table 4.0.19.	Table citations have been corrected.
81	US EPA	Specific comments	Page 432 Section 4.1, Reasonable Assurance. It would be helpful if this section references the WQMP and Implementation Plan as providing more detail on the implementation programs which will provide reasonable assurance of implementation.	Reference to the WQMP and Implementation Plan has been added to this section.

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No.	From	Category Theme	Comment	Response
82	US EPA	Specific comments	Page 435 Sections 4.1.1, 4.1.2 and 4.1.3. Information in these sections only appears to apply to Idaho programs. It would be helpful to add similar information on Oregon's programs. In addition, if the monitoring identified in Section 4.1.3 is to be jointly conducted by both IDEQ and ODEQ, that should be specifically stated.	Information specific to Oregon has been added. Additional information is available in the WQMP.
83	US EPA	Specific comments	Page 514 Idaho General Implementation Plan, Point Sources. Since Idaho's NPDES permit program is administered by EPA instead of the state, appropriate modifications should be made to this section to reflect EPA's role. Please note that Idaho may not have "mutual agreement order" authority for compliance as indicated herein. We recommend that you contact the EPA NPDES Permit Unit prior to making any commitments that will need to be carried out through NPDES permit modifications or permit issuance.	Text has been rewritten to address this comment.

*Snake River – Hells Canyon
Total Maximum Daily Load
(SR-HC TMDL)*

Comment and Response Matrix

Prepared for comments received during the

*December 21, 2001 through April 19, 2002
Public Comment Period*

Prepared by:

*Idaho Department of Environmental Quality (IDEQ)
Oregon Department of Environmental Quality (ODEQ)*

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
Please Note: Some of the comments incorporated in this matrix were extensive and contained a significant amount of text. These comments were summarized for inclusion in this matrix. Every attempt was made to communicate the general intent of these comments in the summaries below. Original, full-length copies of separate comment sets are available on request through the IDEQ.							
1	Robert	Braun	Heinz Frozen Food Company (HFF)	Indust	T	<p>1. The "existing permit effluent limit" in Table 3.6.8 for HFF of 32°C (90°F) is incorrect, the existing NPDES permit for HFF does not contain a temperature limit.</p> <p>2. The estimated average daily temperature of 90°F assigned to HFF is inaccurate and does not represent an average daily value for the warmest months.</p> <p>3. The allocation for HFF should be based on actual existing temperatures.</p> <p>4. HFF recommends that the allocations be based on maximum existing discharge temperatures during the warmest months, or monthly limits for the summer season could be calculated based on the actual maximum effluent temperature for each month.</p> <p>5. Point sources should be allowed to continue discharging their "existing load."</p>	<p>1. This has been corrected.</p> <p>2. As stated, this is an overall average daily temperature calculation. It is not weighted to reflect the warmest months.</p> <p>3. Agreed. The effluent limitations for temperature will be based either upon actual, existing temperatures which will be determined through the facilities planning process as noted in the WQMP for Oregon or that which is necessary to ensure compliance with Oregon's temperature standard at the edge of the mixing zone and that there is no acute biological impacts inside the mixing zone.</p> <p>4. These recommendations are appreciated and will be incorporated into the document to the extent possible.</p> <p>5. Agreed. The waste load allocations for temperature established by the current draft TMDL are based on existing load. Actual effluent limits for temperature, however, may be less than waste load allocations if necessary to ensure compliance with mixing zone requirements.</p>
2	Stan	Brewer	Citizen	Prv Ctz	I	Recommendation that Brownlee Reservoir be kept at a constant level as that is when water quality is best.	We appreciate this suggestion. Changes in flow are outside of the scope of this TMDL but may be addressed in the implementation plan for the Hells Canyon Complex as part of the FERC relicensing.
3a	Drew	Meyer	Citizen ID	Prv Ctz	T	Threatened and endangered species in the Hells Canyon reach, including Chinook salmon, steelhead, and Bull trout must be protected through lower water temperatures and improved water quality.	Temperature modification below Hells Canyon Dam has been addressed by the TMDL. In addition, improvements in water quality in Brownlee will also result in improved dissolved oxygen below the Hells Canyon complex. Changes in flow are outside of the scope of this TMDL but may be addressed in the implementation plan for the Hells Canyon Complex as part of the FERC relicensing.
3b	Drew	Meyer	Citizen ID	Prv Ctz	N	<p>1. Supportive of the phosphorus target of 0.07 mg/l.</p> <p>2. Mercury, pesticides, nutrients and elevated temperature make the Snake River a poisonous place for fish and people. DEQ must meet the requirements</p>	<p>1. We appreciate your support and look forward to your participation in this effort.</p> <p>2. The TMDL process has been completed to meet the requirements of the Clean Water Act and</p>

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						of the Clean Water Act to guarantee that the river will be safe for fishing and swimming.	other state and federal requirements.
4a	Ben	Crue	Citizen ID	Prv Ctz/Tribal Int	TMDL	DEQ should live up to the responsibilities mandated by the Clean Water Act.	The SR-HC TMDL identifies water quality problems and solutions as mandated by the Clean Water Act.
4b	Ben	Crue	Citizen ID	Prv Ctz/Tribal Int	T	The Hells Canyon waterway, trout, salmon, sturgeon, and steelhead are all vitally important. Water temperatures need to be lowered and adequate water flows need to be maintained.	See response to comments from Drew Meyer (#3a)
4c	Ben	Crue	Citizen ID	Prv Ctz/Tribal Int	Pst	Pesticide residue and other oxygenating inhibitors need to be minimized for the safety of all living organisms.	The requirements set forth in this TMDL in regards to pesticides are expressly identified to reduce the transport of legacy pesticides: DDT (and metabolites) and dieldrin into the SR-HC TMDL reach and thereby reduce further concentration in the food chain.
4a	Cyd	Crue	Citizen ID	Prv Ctz/Tribal Int	TMDL	Co-signatures to comments from Ben Crue (#4a)	Please see response to comments from Ben Crue (#4a)
4b	Cyd	Crue	Citizen ID	Prv Ctz/Tribal Int	T	Co-signatures to comments from Ben Crue (#4b)	Please see response to comments from Ben Crue (#4b)
4c	Cyd	Crue	Citizen ID	Prv Ctz/Tribal Int	Pst	Co-signatures to comments from Ben Crue (#4c)	Please see response to comments from Ben Crue (#4c)
4a	Wayne	Crue	Citizen ID	Prv Ctz/Tribal Int	TMDL	Co-signatures to comments from Ben Crue (#4a)	Please see response to comments from Ben Crue (#4a)
4b	Wayne	Crue	Citizen ID	Prv Ctz/Tribal Int	T	Co-signatures to comments from Ben Crue (#4b)	Please see response to comments from Ben Crue (#4b)
4c	Wayne	Crue	Citizen ID	Prv Ctz/Tribal Int	Pst	Co-signatures to comments from Ben Crue (#4c)	Please see response to comments from Ben Crue (#4c)
5a	Stephen	Pauley	Citizen ID	Prv Ctz	TMDL	DEQ must comply with the Clean Water Act and not ignore it as it has for many years.	Please see response to comments from Ben Crue (#4a)
5b	Stephen	Pauley	Citizen ID	Prv Ctz	N	1. Supportive of the cleaning up the Hells Canyon stretch of the Snake River. 2. Supportive of the total phosphorus target of 0.07 mg/L. 3. Big and little agriculture must not be allowed to pollute the rivers.	1. We appreciate your support of this effort and your concern for water quality. 2. We appreciate your support and look forward to your participation in this effort. 3. All sources of pollutant loading to the SR-HC TMDL reach must work together to reduce loading. The water quality problems identified are

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
							not solely that result of agricultural practices.
5c	Stephen	Pauley	Citizen ID	Prv Ctz	Pst, B, O	Supportive of the cleaning up the Hells Canyon stretch of the Snake through reduction of mercury and other pollutants and lower bacterial counts.	We appreciate this suggestion. Changes in flow are outside of the scope of this TMDL but may be addressed in the implementation plan for the Hells Canyon Complex as part of the FERC relicensing.
5d	Stephen	Pauley	Citizen ID	Prv Ctz	T	Supportive of more flow to cool the Snake River down, restore the sturgeon populations, and save the bull trout.	We appreciate your support and look forward to your participation in this effort. Please see response to comment #5c above.
6b	Jeff	Armstrong	Citizen OK	Prv Ctz	T	Threatened and endangered species in the Hells Canyon reach, including Chinook salmon, steelhead, and Bull trout must be protected through lower water temperatures and improved water quality.	Please see response to comments from Drew Meyer (#3a)
6a	Jeff	Armstrong	Citizen OK	Prv Ctz	N	1. Supportive of the phosphorus target of 0.07 mg/l. 2. Mercury, pesticides, nutrients and elevated temperature make the Snake River a poisonous place for fish and people. DEQ must meet the requirements of the Clean Water Act to guarantee that the river will be safe for fishing and swimming.	1. We appreciate your support and look forward to your participation in this process. 2. Please see response to comments from Drew Meyer (#3b) part 2.
7a	Mike	Samball	Citizen ID	Prv Ctz	N, Pst, Hg	1. Supportive of the phosphorus target of 0.07 mg/l. 2. Mercury, pesticides, nutrients and elevated temperature make the Snake River a poisonous place for fish and people. DEQ must meet the requirements of the Clean Water Act to guarantee that the river will be safe for fishing and swimming.	1. We appreciate your support and look forward to your participation in this process. 2. Please see response to comments from Drew Meyer (#3b) part 2.
7b	Mike	Samball	Citizen ID	Prv Ctz	T	Threatened and endangered species in the Hells Canyon reach, including Chinook salmon, steelhead, and Bull trout must be protected through lower water temperatures and improved water quality.	Please see response to comments from Drew Meyer (#3a)
8a	Kaz	Thea	Alliance for the Wild Rockies	Env Int	TMDL	1. Concerns about water quality in the Hells Canyon area due to the impacts of the Hells Canyon hydropower dams, agricultural pollution and other development. 2. DEQ must implement the proper water quality standards when determining the TMDL requirements for the Snake River. DEQ has a responsibility to protect and recover listed species and provide the required habitat conditions for their recovery. 3. Salmonid species present in the Snake River system require protection. Current law mandates that the state of Idaho does its share to recover these fish that are vital to Idaho's economy and way of life and	1. This TMDL recognizes these and other related concerns. 2. Please see response to comments from Ben Crue (#4a). 3. We agree. The goal of this TMDL is to meet water quality standards and thereby provide full support for all designated beneficial uses including cold water aquatic life.

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						an important part of Idaho's heritage. We must provide for viable populations of salmonids in Idaho now and into the future.	
8b	Kaz	Thea	Alliance for the Wild Rockies	Env Int	I	Although it will take a long time to solve and fix all these problems, you have a responsibility to do what you can to start the repair. The first step in that process is for the state to issue a Total Daily Maximum Load (TMDL). The TMDL must be implemented to attain water quality standards that support healthy populations of fish so these fish can begin their recovery.	1. We agree. This TMDL has been completed to identify water quality problems and solutions in the SR-HC reach. The goal of this TMDL is to meet water quality standards and thereby provide full support for all designated beneficial uses including cold water aquatic life.
8c	Kaz	Thea	Alliance for the Wild Rockies	Env Int	T	Concerns voiced by Drew Meyer (#3a) Chinook salmon, steelhead, and particularly bull trout must have lower water temperatures, and improved water quality including clean gravels for spawning, deep pools for resting, cover to hide from predators, and complex habitat to fulfill their complex life history requirements in order to survive, reproduce and maintain long-term viability and recovery.	Please see response to comments from Drew Meyer (#3a). We agree. The goal of this TMDL is to meet water quality standards and thereby provide full support for all designated beneficial uses including cold water aquatic life.
8d	Kaz	Thea	Alliance for the Wild Rockies	Env Int	N	Concerns voiced by Drew Meyer (#3b) Snake River White Sturgeon above Brownlee Reservoir are seriously threatened because of the high levels of phosphorus from agricultural runoff that have contributed to depleted oxygen levels. Supportive of the phosphorus standard being proposed.	Please see response to comments from Drew Meyer (#3b). We agree. The goal of this TMDL is to meet water quality standards and thereby provide full support for all designated beneficial uses including White Sturgeon.
9a	Jan	Nissl	Citizen ID	Prv Ctz	TMDL	The Hells Canyon stretch of the Snake River supports habitat for fragile species like chinook salmon, steelhead and white sturgeon. Currently the Hells Canyon stretch is in bad shape because of the devastating impacts of the Hells Canyon hydropower dams, agricultural pollution and other development. The TMDL needs to ensure that water quality improves in the Snake River to be safe for fishing and swimming.	Please see response to comments from Kaz Thea (#8a, part 3).
9b	Jan	Nissl	Citizen ID	Prv Ctz	N	1. Supportive of the phosphorus target of 0.07 mg/l. 2. Mercury, pesticides, nutrients and elevated temperature make the Snake River a poisonous place for fish and people. DEQ must meet the requirements of the Clean Water Act to guarantee that the river will be safe for fishing and swimming.	1. Thank you for your support. We look forward to your participation as this process continues. 2. Please see response to comments from Drew Meyer (#3b) part 2.
9c	Jan	Nissl	Citizen ID	Prv Ctz	T	Threatened and endangered species in the Hells	Please see response to comments from Drew

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						Canyon reach, including Chinook salmon, steelhead, and Bull trout must be protected through lower water temperatures and improved water quality.	Meyer (#3a)
10	Berklee B	Cudmore	Citizen ID	Prv Ctz	O	Please add my name to your list of concerned citizens	Name has been added to this matrix and the administrative record.
11a	Douglas P	Fagerness	Citizen ID	Prv Ctz	N	1. Supportive of the phosphorus target of 0.07 mg/l. 2. Mercury, pesticides, nutrients and elevated temperature make the Snake River a poisonous place for fish and people. DEQ must meet the requirements of the Clean Water Act to guarantee that the river will be safe for fishing and swimming.	1. Thank you for your support. We look forward to your participation in this effort. 2. Please see response to comments from Drew Meyer (#3b) part 2.
11b	Douglas P	Fagerness	Citizen ID	Prv Ctz	T	Threatened and endangered species in the Hells Canyon reach, including Chinook salmon, steelhead, and Bull trout must be protected through lower water temperatures and improved water quality.	Please see response to comments from Drew Meyer (#3a)
12a	Tom	Powers	Northwest Youth Corp	Env Int	N	Supportive of the 0.07 mg/l total phosphorus target.	We appreciate your support and look forward to your participation in this effort.
12b	Tom	Powers	Northwest Youth Corp	Env Int	DO	Supportive of improving dissolved oxygen levels to insure the survival of the Snake River White Sturgeon and to provide for decent water quality for all downstream users.	We appreciate your support and look forward to your participation in this effort.
12c	Tom	Powers	Northwest Youth Corp	Env Int	T	Supportive of improving water quality and lowering stream temperatures to insure survival of the endangered and threatened species in the river including chinook salmon, steelhead, bull trout, and healthy kayakers and swimmers.	We appreciate your support of this effort and your concern for water quality.
13	Don	Stephens	City of Weiser	Muni		1. City of Weiser's specific point source concerns are associated with total phosphorus, where removal should improve but extent of improvement is not yet known, temperature, load allocation as 72°C may be obtainable. 2. Nonpoint discharge best management practices (stormwater) will continue. 3. Any assistance from federal or state sources (technical or financial) will be appreciated.	1. We appreciate this timely action on the part of the City of Weiser. 2. We appreciate the responsible actions on the part of the City of Weiser in treating stormwater discharge. 3. We will help in any way possible throughout the implementation process.
14	Bob	Braun	Heinz Frozen Food Company (email from Tom Dupuis)	Indust	N	Flow and total phosphorus data, WLA (using 80% removal and design flow), and design flow load are correctly calculated. The current load is not correct (it uses the annual average load rather than the May-Sept avg. load); the correct number should be ~329 kg/day.	This has been corrected in the TMDL document and loading has been recalculated using design flows.

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
15	Kristin	Frish	Citizen ID	Prv Ctz	O	TMDL standards should be strong and tough. The TMDL should err on the side of support for all aquatic life.	Please see response to comments from Kaz Thea (#8a, part 3).
16a	Jesse and Pam	White	Letter to Mr. Palmer received from ODEQ	Prv Ctz	T	Concerns that the black canyon walls along the Owyhee River contribute naturally to heat load.	We agree that this represents a potential heat source to the Owyhee River. The natural and man-made sources of elevated water temperature within the Owyhee River will be evaluated fully as part of the Owyhee TMDL process. On completion of this TMDL, this information will be reviewed and if appropriate, changes will be made to the SR-HC TMDL.
16b	Jesse and Pam	White	Letter to Mr. Palmer received from ODEQ	Prv Ctz	TMDL	Concerns that EPA is setting standards before the systems have been fully studied. This may lead to inappropriate or unobtainable standards.	Standards are set by the states to recognize and protect the needs of designated beneficial uses within the state. While changes to standards cannot be made as part of the TMDL process, there is a separate, state-specific process to modify standards if they are found to be inappropriate. This process generally, but not necessarily occurs on a three-year schedule (tri-annual review).
16c	Jesse and Pam	White	Letter to Mr. Palmer received from ODEQ	Prv Ctz	Hg	Mercury exists as a natural element in numerous mountains in the area. "Limiting land practices or industry for these reasons is wrong."	The SR-HC SBA and mercury loading analysis acknowledge that natural geologic deposits are a source of mercury in the SR-HC TMDL drainage. However, this does not preclude responsible management of anthropogenic sources of mercury. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
16d	Jesse and Pam	White	Letter to Mr. Palmer received from ODEQ	Prv Ctz	O	1. "Condemning business, industry or land practices for the benefit of the recreation industry is wrong. People are recreating in every mile along this TMDL." 2. Accountability at the municipal level is lacking. "Storm drains and individuals are not responsible while land owners, business, and industries are accountable for unreasonable standards."	1. The purpose of the TMDL is to improve water quality conditions to meet water quality targets and support all designated uses including agricultural, industrial, and domestic water supply as well as recreation and aquatic life. 2. Stormwater loading is part of the nonpoint source load recognized by the TMDL. All nonpoint sources are included in the reductions required by the TMDL.
17	Frank	Robinson	PAT Oregon Other Interests Representative	PAT	O	Editorial corrections	Changes made as indicated.

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
18a	Jim	Bentz	Citizen OR	Prv Ctz	T	1. No mention in the TMDL of geothermal activity although it occurs in the watershed (Warm Springs Creek, Hot Springs Meadow, etc.) 2. "Stream vegetation acts to cool waters" is incorrect, should be replaced by "stream side vegetation can slow down warming by solar radiation". 3. Page 370, paragraph 3 is a very accurate summation of temperature dynamics in this basin and should be kept.	1. Additional information has been added as available. 2. Recommended change has been made. 3. Paragraph 3 has been retained.
18b	Jim	Bentz	Citizen OR	Prv Ctz	O	1. Return flows (other than surface flows carrying pollutants) are not mentioned in the document. Benefits of return flows should be acknowledged. 2. "Robust" is an inaccurate description of the data set. Very few of the data are over 10 years old while weather cycles are 20 to 60 years long.	1. Ground water and subsurface flows are discussed in the document in the hydrology and temperature load analysis sections. 2. Comparatively, the SR-HC TMDL benefits from an extensive data set. Data was separated into recent and historic (before 1975) data sets. All available historic data with appropriate QA/QC information was utilized.
18c	Jim	Bentz	Citizen OR	Prv Ctz	TMDL	Because of the newness of this approach the TMDL should be more of an educational document than a regulatory one	The SR-HC TMDL is written to fulfil the requirements of the Clean Water Act and associated state and federal policy. The DEQs, however, recognize that new information is evolving continually and has included an adaptive management process so that the TMDL can be updated and modified as new information becomes available.
18d	Jim	Bentz	Citizen OR	Prv Ctz	I	The longest implementation time possible is necessary for implementation and study	The implementation time frame identified was determined by assessing the time necessary for implementation. The time frame identified for the nutrient TMDL is from 50 to 70 years, provided that appropriate pace is maintained and BMPs are implemented with all deliberate speed. Text has been added to clarify this point.
19	Frank	Robinson	PAT Oregon Other Interests Representative	PAT	E	Editorial corrections	Changes made as indicated.
20a	Jim	Truesdell	Canyon Soil Conservation District	Ag	TMDL	1. Sand Hollow needs to be put on the maps. 2. Question about data source for agricultural land use. 3. Ranchettes should be removed from Table 2.5.1. 4. Wild horses should be added to discussion of negative impacts from deer and elk. 5. Expressed concerns about the description of the Blackfoot River watershed, TMDL and	1. Change has been made as appropriate. 2. Data is from GIS coverage available from the states of Idaho and Oregon. 3. Ranchettes have been removed as agricultural sources and included as urban/suburban sources as suggested. 4. Change has been made as suggested. 5. This section has been rewritten for further

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						<p>implementation/progress that has occurred. Fischer, P. reference is incorrect. No personal communication occurred.</p> <p>6. No implementation for agriculture restores to natural conditions because we don't know what natural conditions are.</p> <p>7. The life span of best management practices varies from practice to practice and is site-specific.</p> <p>8. The general water quality management plan incorrectly identifies the percentage of the state of Oregon that drains to the Snake River.</p> <p>9. For consistency, bullets should be deleted under agricultural runoff in the Implementation Plan for Idaho.</p> <p>10. Provided information about the WQPA program.</p> <p>11. Provided information about best management practice tracking.</p>	<p>clarification.</p> <p>6. Point well taken, changes have been made in text to more clearly describe reduced anthropogenic impacts.</p> <p>7. Change has been made as suggested.</p> <p>8. This has been corrected in the TMDL document.</p> <p>9. Change has been made as recommended.</p> <p>10. This information has been added to the document.</p> <p>11. This information has been added to the document.</p>
20b	Jim	Truesdell	Canyon Soil Conservation District	Ag	Hg	<p>1. Liquid mercury was used prior to 1970; vapor mercury was used prior to 1978. Statement regarding use until 1980 is incorrect.</p> <p>2. The statement that residual mercury in agricultural soils may be contributing to loading should be removed unless there is proof.</p> <p>3. No data is available to show what levels of mercury are coming from agricultural lands.</p> <p>4. Seed treatment loading should be described as unknown – assumed small.</p>	<p>1. We appreciate this information but need the source of this data.</p> <p>2. The statement does not say that residual mercury in agricultural soils <u>is</u> contributing to loading, it says it <u>may be</u> contributing. Potential loading is acknowledged as minimal. In order to be conservative, we cannot ignore a potential source unless there is data that shows it is not a concern. If this data were available, we would appreciate a citation of the data source so it can be reviewed.</p> <p>3. We are not aware of any for this area.</p> <p>4. Change has been to read: unknown – assumed very small.</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.</p>
21	Rick	Yzaguirre	COMPASS Community Planning Association	Locl gov		<p>1. Supportive of the phased, watershed –based approach, and adaptive management.</p> <p>2. Successful implementation will require continued involvement of key stakeholders, federal and state agencies.</p> <p>3. Expressed concern about funding. Encouraged</p>	<p>1. We appreciate your support and look forward to your participation in this process.</p> <p>2. We agree.</p> <p>3. We agree that estimates of cost are critical to obtaining funding. These estimates will be completed as part of the site-specific</p>

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						<p>the DEQs to develop good estimates of implementation costs and promote funding at the state and federal level.</p> <p>4. Supportive of the current implementation timeline under current funding circumstances. Implementation schedule should be contingent on the availability of funding.</p> <p>5. Replacement costs must be included in the financial analysis for implementation of the TMDL.</p> <p>6. Supportive of the total phosphorus load allocation approach as identified in the TMDL and Appendix I.</p> <p>7. The load allocations made within the Lower Boise River watershed as a result of the SR-HC TMDL should take into account land use changes and ensure fair and cost effective implementation.</p> <p>8. A good understanding of surface/ground water relationships is needed to determine effective reduction strategies and time frames.</p> <p>9. Supportive of inclusion of pollutant trading.</p> <p>10. Concerns about mercury include air deposition, control based on pollution-prevention strategies for municipalities, control of legacy transport and point source acceptance of the approach.</p> <p>11. Concern about the use of cold water aquatic life criteria when dissolved oxygen targets are based on cool water aquatic life.</p> <p>12. Concerns about assessing the anthropogenic and non-anthropogenic temperature sources within the tributary watersheds. Additional work is necessary to clarify these issues.</p> <p>13. Encourage the DEQs to develop a stronger process for managing the future relationship between Idaho and Oregon throughout the course of this TMDL process. Determination of designated uses and targets for bi-state waters should be a joint process.</p>	<p>implementation plans that follow within 18 months of the approval of the TMDL. Identification and recruitment of funding sources will be a priority during this process.</p> <p>4. We appreciate your support and look forward to your participation in this process. Funding influence on schedule concern can be addressed in the site-specific implementation plans.</p> <p>5. We agree.</p> <p>6. We appreciate your support.</p> <p>7. This comment will be forwarded to the Lower Boise River TMDL contact for IDEQ.</p> <p>8. We support the collection of additional ground water data.</p> <p>9. Thank you for your support.</p> <p>10. We agree, additional information will improve our understanding of mercury within the SR-HC TMDL reach.</p> <p>11. The Oregon cool water dissolved oxygen criteria is intended to protect waters where salmonids are present but not the dominant species. The target is protective for dissolved oxygen for salmonids and other cold water species. The temperature criteria are specific to waters where salmonids are present regardless of whether or not they are the dominant species.</p> <p>12. We agree. Additional information will be very helpful in our reassessment of temperature influences in the SR-HC TMDL reach and associated tributary drainages thorough the phased TMDL process.</p> <p>13. We agree.</p>
22a	Carl	Hill	Owyhee Watershed Council	Ag	TMDL	<p>1. Expressed concern that load allocations should not be assigned to the tributaries until a qualified assessment of the tributaries has been completed.</p> <p>2. Expressed concern over lack of data to support declining trends in water quality.</p> <p>3. Expressed concern that feasibility and attainability were not considered in setting targets.</p>	<p>1. The load allocations assigned to the tributaries do not attempt to describe the water quality needs within the tributaries. They are specific to the degradation of water quality in the mainstem Snake River as a result of pollutant loading from upstream and tributary sources. The scope of this TMDL is limited to the Snake River within the SR-</p>

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						<p>Incentives and cost share programs need to be created by DEQ in order for water quality objectives to be attained.</p> <p>4. Expressed concerns that the TMDL did not recognize previous efforts.</p> <p>5. The document identifies alleged problems but no realistic solutions.</p> <p>6. The TMDL does not recognize past efforts or accomplishments in water quality improvement.</p> <p>7. Stated that the experience from the Owyhee Watershed Council is not reflected in the TMDL.</p> <p>8. The document does not incorporate best available science.</p>	<p>HC TMDL reach. An assessment of the total phosphorus concentration being discharged to the Snake River at the tributary mouths shows concentrations greater than 0.07 mg/L. A cursory review of total phosphorus concentrations in the tributaries reveals that in many cases, these levels also are greater than 0.07 mg/L. Because an assessment of the sources of total phosphorus has yet to be completed for most of the tributaries, the relative loading from anthropogenic and non-anthropogenic sources has yet to be determined. If non-anthropogenic concentrations within the tributaries or the mainstem Snake River are identified to be above the target value, the load allocations from the SR-HC TMDL have been reassessed to reflect this condition.</p> <p>2. The data available to the TMDL clearly demonstrate that certain water quality standards are not being met and certain designated beneficial uses are not being supported.</p> <p>3. Targets were set based on existing state standards. Feasibility and attainability can be considered in setting standards, but once standards have been established it is the responsibility of the TMDL to outline a plan whereby they can be achieved. The TMDL and associated WQMPs include an adaptive management process that allow the TMDL to be revisited and modified if new information comes to light. There are many incentive and cost share programs currently available. DEQ will continue to act as a proponent of additional funding for TMDL implementation.</p> <p>4, 6. The TMDL notes those past efforts of which we are aware. Accomplishments in Owyhee County are cited. We welcome additional information on the progress being made and will continue to update the TMDL through the phased TMDL process.</p> <p>5. We feel that the assessment and load allocation approaches represent valid solutions for the pollutant loading problems in the SR-HC</p>

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							<p>TMDL reach.</p> <p>7. Pat members and alternates, and members of the general public from the Owyhee River drainage were an integral part of the completion of this TMDL and their help and experience was greatly appreciated. One PAT member and one alternate are members of the Malheur/Owyhee Watershed Council.</p> <p>8. We disagree. The best available science has been applied and will continue to be applied as we continue the phased TMDL process.</p>
22b	Carl	Hill	Owyhee Watershed Council	Ag	N	<p>1. Stated that the TMDL disregards naturally occurring phosphorus in the system.</p> <p>2. Stated that natural runoff values for the tributaries were not included in the TMDL.</p>	<p>1. The TMDL expressly recognizes natural geologic phosphorus as a source of loading and identifies the need for tributary-specific information to calculate the mass of this natural load.</p> <p>2. Please see response above.</p>
22c	Carl	Hill	Owyhee Watershed Council	Ag	T	<p>1. Expressed concern that current standards make no allowance for natural temperature sources.</p> <p>2. Expressed concern that the TMDL does not recognize that arid climates limit the extent of tree canopies.</p> <p>3. Stated that a temperature TMDL that requires landowners to significantly reduce temperatures in the Owyhee River Basin is unfair.</p> <p>4. Stated that background information on the tributaries is not sufficient to justify the content of the TMDL.</p>	<p>1. The TMDL expressly recognizes natural temperature influences. The temperature target is defined as “no measurable anthropogenic increase” due to high level of natural input and non-quantifiable temperature sources.</p> <p>2. Limited canopies in pre-anthropogenic and current conditions due to arid climate are expressly recognized in the TMDL.</p> <p>3. The SR-HC TMDL does not require any significant reduction of temperature in the Owyhee River Basin. It is expected that the temperature TMDL for the Owyhee Basin will address anthropogenic impacts to stream temperature as needed to meet appropriate temperature criteria.</p> <p>4. The scope of this TMDL is the mainstem Snake River within the SR-HC TMDL reach. Tributary specific data will be evaluated as part of the Owyhee River Basin TMDL and other tributary TMDLs and implementation plans. Appropriate information will be used to review and potentially revise the SR-HC TMDL.</p>
22d	Carl	Hill	Owyhee Watershed Council	Ag	Hg	<p>7. Expressed concerns that the TMDL did not recognize the presence of natural mercury loading in the area. Provided test relative to this concern.</p>	<p>7. The SR-HC SBA and loading analysis expressly recognize naturally occurring mercury as the primary source of mercury in the SR-HC</p>

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							TMDL reach. The proposed text reference has been added to the document. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
23a	Bob	Moore	Citizen OR	Prv Ctz	TMDL	1. The TMDL is a necessary document that will lead to a better water quality condition 2. All affected individuals/entities must be responsible and accountable for pollutant loading they contribute. 3. Waters shall comply with the Clean Water Act and state requirements	1. Thank you for your support of this process. 2. The TMDL has identified responsible entities and associated load allocations as appropriate. 3. Please see response to comments from Ben Crue (#4a).
23b	Bob	Moore	Citizen OR	Prv Ctz	I	1. A verifiable action plan is critical in order to track/ensure progress 2. Definite time frames for positive improvements must be added. Proposed 30% reduction in 5 years, 50% reduction in 10 years, 75% reduction in 20 years, 100% reduction in 30 years.	1. We agree. This information will be a part of the site specific implementation plans that follow within 18 months of the approval of the TMDL. 2. We appreciate your suggestion. Currently a minimum of 0.01 mg/L per decade decrease in total phosphorus concentration is proposed by this TMDL with the requirement that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
24a	Joe	Qualls	City of Weiser, Water Department (Weiser WAG Vice-chair)	Muni/PS	\$	Requested that it be written into the document that economics continue to be a part of the implementation process.	This can be incorporated into the site specific implementation plans to be prepared within 18 months of the approval of the TMDL.
24b	Joe	Qualls	City of Weiser, Water Department (Weiser WAG Vice-chair)	Muni/PS	N	1. Requested assurances in the document that once point sources attain biological nutrient removal or equivalent load reductions, there will be no further reductions required. 2. The target of 0.07 mg/L may need to be refined.	1. The TMDL cannot say this as the iterative process for review of the TMDL may require additional reductions in the future. 2. The iterative TMDL process provides a mechanism for this refinement to occur if data collected show it to be appropriate.
24c	Joe	Qualls	City of Weiser, Water Department (Weiser WAG Vice-chair)	Muni/PS	I	1. Requested removal of the five-year compliance period for point sources be removed from the TMDL. 2. Agencies responsible for monitoring should be clearly identified along with methodology as appropriate. 3. Asked to be included in the periodic review of the TMDL.	1. The text has been rewritten to read "within time frames identified by permit schedules" in place of the five-year schedule. 2. These responsibilities will be identified in the implementation plans prepared following approval of the TMDL. 3. We welcome your participation.
24d	Joe	Qualls	City of Weiser, Water Department (Weiser WAG Vice-chair)	Muni/PS	TMDL	Requested that past efforts for nonpoint source load reductions be recognized and pro-active entities not be penalized for early action.	We strongly support this suggestion and would welcome any further information detailing these efforts. The current load allocation strategy for nutrient reductions has been designed to credit

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							pro-active implementation that was accomplished prior to the TMDL process.
25a	Brian	Cleaver	Citizen OR	Prv Ctz	TMDL	Expressed concern about the application of standards that were not representative of the area	The Clean Water Act and associated federal policy applies universally nation-wide but does allow states to set and apply standards that are reflective of local conditions. State water quality standards are approved through a process that includes public and legislative review. We encourage you to participate in this process and welcome your suggestions.
25b	Brian	Cleaver	Citizen OR	Prv Ctz	N	Expressed concerns regarding natural background levels that may be above the targets, creating a situation in which targets were unobtainable	If non-anthropogenic pollutant loads within the tributaries or the mainstem Snake River are identified to be above the target value, the load allocations from the SR-HC TMDL will be reassessed to reflect this condition.
26	Lou	Wettstein	Malheur County Commissioner	Loc Gov	\$	Expressed concern that agriculture is facing many economic concerns outside of the potential economic impacts of the TMDL. The economic concerns are widespread and varied.	We agree that there are many components to the economic health of the area and are committed to producing a TMDL that is sound and provides the greatest flexibility possible while ensuring the attainment of water quality standards. However, the TMDL must be structured to ensure attainment of water quality targets and support of all designated uses in the SR-HC TMDL reach, aquatic life uses as well as human uses. Good water quality will benefit all sectors of the economy.
27a	Roger	Findley	TVCC, Ag Dept.	Ag	N	<p>1. Not supportive of the 0.07 mg/L total phosphorus target.</p> <p>2. Expressed concern that the reductions identified will require surface irrigation to go to low or no flow, which would result in reduced river flows that lead to increased water temperatures and poor habitat conditions in the lower Malheur River.</p>	<p>1. The 0.07 mg/L total phosphorus target was developed using available data and guidance from state and federal agencies. The assessment of water quality conditions and projected improvements undertaken as part of the TMDL process has shown that meeting this target concentration in the Upstream Snake River segment of the SR-HC TMDL reach will result in attainment of water quality standards.</p> <p>2. As noted in Section 4.0.2.6 of the TMDL, this concern is recognized by the TMDL. The TMDL does not prescribe specific implementation actions to be undertaken by nonpoint sources. Such mechanisms will be identified in the site-specific implementation plans for each source category or tributary. These processes will seek</p>

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							to identify the most effective, cost-efficient mechanisms that will result in the identified load reductions. We encourage you to be involved in this planning process.
27b	Roger	Findley	TVCC, Ag Dept.	Ag	I	Not supportive of the current time frame. Expressed concern that it is too short.	Additional text has been added to clarify the reasoning behind the 50 to 70 year target, and add assurance that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
28	Roger	Findley	TVCC, Ag Dept.	Ag	TMDL	Stated that the citizens of Malheur County will respond given a plan and goals that are reasonable.	We appreciate this commitment on behalf of the citizens of Malheur County and other areas of the SR-HC TMDL reach and inflowing tributaries. We are committed to producing a TMDL that will meet water quality standards while allowing sufficient flexibility to result in cost effective implementation strategies.
29a	Brad	Hansen	City of Weiser	Muni	Hg	Submitted data showing that mercury levels from the City of Weiser wastewater treatment plant are below parts-per-trillion.	We sincerely appreciate the data submitted and have incorporated them in our analysis of the mercury load and relative loading from anthropogenic and non-anthropogenic sources. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
29b	Brad	Hansen	City of Weiser	Muni	\$	Concerns regarding the cost/benefit analysis for the City of Weiser for additional requirements that may be placed on the City	A cost/benefit analysis will be a component of the facilities plan. The results of the plan review, including these considerations, will be reflected in the time frame for compliance.
30	Brad B	Hansen	City of Weiser	Muni	Hg	Submitted data for mercury in the Weiser wastewater treatment plant and the Snake River 75 feet upstream.	We sincerely appreciate the data submitted and will use them in our analysis of the mercury load and relative loading from anthropogenic and non-anthropogenic sources. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
31a	Larry	Heidbrink	Citizen OR	Prv Ctz	TMDL	Expressed concerns about the public process associated with the TMDL and the availability and user-friendliness of the electronically available documents.	A copy of the draft TMDL and appendices was made available to the public on a CD that contained both the draft document and the Acrobat Reader program to allow reading and

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							review. Hard copies of the draft document were available throughout the basin and electronic copies were available on the internet. We welcome any suggestions to improve availability of draft documents in future TMDLs.
31b	Larry	Heidbrink	Citizen OR	Prv Ctz	N	<p>1. Expressed concern that no beneficial use that was not supported by the river in its pre-anthropogenic state should be claimed.</p> <p>2. Not supportive of the 0.07 mg/L total phosphorus target</p> <p>3. Expressed concern that a “non-quantitative” measurement was being used in the assessment of algae concentrations.</p> <p>4. Indicated that this measurement did not show an increase over pre-anthropogenic levels of algae</p>	<p>1. The TMDL does not attempt to define or protect for pre-anthropogenic beneficial uses. The designated beneficial uses for this reach are those that existed in 1975 until the present time</p> <p>2. Comment noted. Please see response to comment from Roger Findley (#27a, part 1).</p> <p>3. Chlorophyll a is being used as a surrogate measurement of algae biomass in this TMDL. It is a quantitative measurement.</p> <p>4. There are no quantitative measurements available of pre-anthropogenic algae concentrations, therefore, no relative change can be determined. The data incorporated in the TMDL is all from the post-settlement period of the SR-HC TMDL reach and associated watershed.</p>
31c	Larry	Heidbrink	Citizen OR	Prv Ctz	Hg	<p>1. Expressed concern that though water quality standards are based on water column concentrations, the data being used in this TMDL is fish tissue data. Water column mercury data have not been collected to determine a need.</p> <p>2. Expressed concern agriculture will be restricted due to mercury targets.</p>	<p>1. Both water column and fish tissue targets are being applied. The SR-HC SBA and loading analysis acknowledge the need for additional water column data and identifies this as a data gap. Although water column data is not available, the exceedences observed in the fish tissue data indicate that mercury levels are of concern for human fish consumption. Therefore, to delay action until the collection of water column data was complete would be irresponsible.</p> <p>2. Control mechanisms for agriculture to reduce mercury transport will consist of those mechanisms needed to control sediment and nutrients. No further controls on agriculture, specific to mercury, other than good stewardship practices are indicated at this time.</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon’s schedule for TMDL development.</p>
31d	Larry	Heidbrink	Citizen OR	Prv Ctz	O	1. Stated that a pollutant should not be controlled	1. To the extent possible, anthropogenic and non-

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						until after an assessment had been completed that showed what the anthropogenic and non-anthropogenic sources and their effects were. 2. Ground water effects also need to be considered.	anthropogenic sources within the scope of the SR-HC TMDL have been quantified and the effects of excessive loading have been identified. The identification of the relative loading from anthropogenic and non-anthropogenic sources within the tributary drainages will be assessed as part of the tributary TMDLs. It is expected that the tributary TMDLs will distribute the gross load allocations assigned by the SR-HC TMDL to anthropogenic and non-anthropogenic sources within the tributary drainages following the completion of an assessment identifying what the anthropogenic and non-anthropogenic sources within the tributary watershed and their effects are. 2. Ground water concerns specific to changes in irrigation management have been incorporated into the TMDL to the extent possible. Ground water will also be addressed as part of the site-specific implementation plans.
32a	Mike	Holladay	Municipal Engineer	Muni	TMDL	1. Supportive of the phased approach 2. Reinforced the need for public participation and complete review of data and new guidance in the review process for the TMDL. 3. Supportive of the document being locally authored.	1. We appreciate your support in this effort. 2. We agree. 3. We appreciate the level of public participation that this process has enjoyed to date.
32b	Mike	Holladay	Municipal Engineer	Muni	I	Supportive of the implementation plan time frame	We appreciate your support and look forward to your participation in this effort.
33a	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	TMDL	1. The TMDL does not accurately account for what has been accomplished in Malheur County. 2. Significant state and federal financial resource dollars must be available – no unfunded-mandates 3. The adaptive management approach is essential 4. The TMDL is incorrect in the statement that early native cultures were irrigating in the Snake River plain. 5. The TMDL is not a document that has been approved by the public advisory team. 6. Outlined guidance for future public process and participation with IDEQ and ODEQ	1. The TMDL notes those past efforts of which we are aware. The majority of those listed are in Malheur County. We welcome additional information on the progress being made and will continue to update the TMDL through the phased TMDL process. 2. This concern is noted in the water quality management plan for the State of Oregon. There are many incentive and cost share programs currently available. DEQ will continue to act as a proponent of additional funding for TMDL implementation. 3. We agree and appreciate your support of this process. 4. This reference has been removed from the

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							document. 5. References to the public advisory team in the TMDL document acknowledge the role of the group in providing advice and guidance on local issues to the DEQs but in no way infer that the TMDL is a “PAT document”. The TMDL states clearly that the authors of the document are the DEQs. The public advisory team decided that the group would not be a consensus-based entity. This was not imposed by the DEQs. 6. The existing TMDLs for the tributaries to the SR-HC TMDL reach have included local stakeholder and other public participation. Those TMDLs yet to be written will also include local stakeholder and other public participation. Public participation in this and future processes is strongly encouraged.
33b	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	TDG	Supportive of the total dissolved gas target and reductions.	Thank you for your support of this target and goal.
33c	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	N	1. Not supportive of the total phosphorus load allocation for the Malheur River 2. Supportive of the 50 to 70 year time frame for implementation of phosphorus reductions 3. Oxygen levels in Brownlee Reservoir must be addressed by increased flow in low water years and aeration. 4. Algae is also beneficial to aquatic life	1. Please see response to comment from Carl Hill (#22a). 2. Thank you for your support. We look forward to your participation in this process. 3. The manner in which the total phosphorus target was identified for the SR-HC TMDL allowed the difference between the assimilative capacity of the river and the reservoirs to be identified. Additional dissolved oxygen requirements, specific to the decreased assimilative capacity of the reservoirs, has been assigned to Idaho Power Company in the form of a dissolved oxygen allocation of an average of 17 tons per day during the summer season. This load allocation includes a substantial margin of safety that will act to protect the aquatic species during periods of both low and high flow. 4. We agree that a certain level of algae growth is necessary for the support of aquatic life. However, the concentrations observed in portions of the SR-HC TMDL reach are well above this level. Our projected reductions in algae growth

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							have not been shown to lower algae concentrations to a degree that will endanger aquatic life. Rather, our calculations show that the reductions will improve habitat overall.
33d	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	S	1. Supportive of the 50 to 70 year time frame for implementation of sediment reductions 2. The TMDL fails to recognize the fine silts from the Bonneville floods that characterize the SR-HC TMDL reach	1. Thank you for your support. We look forward to your participation in this process. 2. Text describing these soil characteristics has been added to the TMDL document.
33e	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	T	1. Temperature standards and cold water beneficial uses are incorrect 2. Anthropogenic heating analysis ignores key factors. Referred to the cooling effect of Owyhee Reservoir.	1. Changes to state water quality standards or removal/change to designated beneficial uses are outside of the scope of the TMDL process. This TMDL and all TMDLs are required to be written to current state standards. There is a separate, state-specific legislative process for realizing these changes. 2. For the purposes of the SR-HC TMDL, the temperatures identified for the Owyhee River are those observed at the river mouth only. The cooling effect referred to will be assessed as part of the TMDL for the Owyhee River and, if this TMDL shows anthropogenic loading at a level different from that identified for the Owyhee River in the SR-HC TMDL, the SR-HC TMDL will be revised to reflect this information.
33f	Russ	Hursh	PAT Oregon Local Governments Representative	Loc Gov	Hg	Not supportive of the mercury approach. Recommendations for mercury include cleanup responsibilities by the state of Idaho for the Jordan Creek area, geologic and hydrologic studies to determine sources and relative loading, determination of agriculture role as a source or a sink for mercury.	The concerns about mercury loading from upstream or tributary sources will be assessed as part of the TMDL for the Owyhee River and other tributaries. All of these concerns are recognized in the discussion of mercury issues in the SR-HC TMDL reach, and will be further addressed as part of the mercury TMDL for the SR-HC TMDL. Additionally, if this TMDL shows anthropogenic upstream loading to represent a pollutant source, load allocations can be identified for those sources. If this results in a situation different from that identified for the Owyhee River in the SR-HC TMDL, the SR-HC TMDL will be revised to reflect this information. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The

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							mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
34a	Russell F	Hursh	Malheur County	Loc Gov	TMDL	1. The TMDL does not accurately account for what has been accomplished in Malheur County. 2. Significant state and federal financial resource dollars must be available – no unfunded-mandates 3. The adaptive management approach is essential 4. The TMDL is incorrect in the statement that early native cultures were irrigating in the Snake River plain. 5. The TMDL is not a document that has been approved by the public advisory team. 6. Outlined guidance for future public process and participation with IDEQ and ODEQ.	1. Please see response to comments from Russ Hursh (#33a, part 1). 2. Please see response to comments from Russ Hursh (#33a, part 2). 3. Please see response to comments from Russ Hursh (#33a, part 3). 4. Please see response to comments from Russ Hursh (#33a, part 4). 5. Please see response to comments from Russ Hursh (#33a, part 5). 6. Please see response to comments from Russ Hursh (#33a, part 6).
34b	Russell F	Hursh	Malheur County	Loc Gov	TDG	Supportive of the total dissolved gas target and reductions.	Thank you for your support of this target and goal.
34c	Russell F	Hursh	Malheur County	Loc Gov	N	1. Not supportive of the total phosphorus load allocation for the Malheur River. 2. Supportive of the 50 to 70 year time frame for implementation of phosphorus reductions. 3. Oxygen levels in Brownlee Reservoir must be addressed by increased flow in low water years and aeration. 4. Algae is also beneficial to aquatic life.	1. Please see response to comments from Russ Hursh (#33c, part 1). 2. Please see response to comments from Russ Hursh (#33c, part 2). 3. Please see response to comments from Russ Hursh (#33c, part 3). 4. Please see response to comments from Russ Hursh (#33c, part 4).
34d	Russell F	Hursh	Malheur County	Loc Gov	S	1. Supportive of the 50 to 70 year time frame for implementation of sediment reductions. 2. The TMDL fails to recognize the fine silts from the Bonneville floods that characterize the SR-HC TMDL reach.	1. Please see response to comments from Russ Hursh (#33d, part 1). 2. Please see response to comments from Russ Hursh (#33d, part 2).
34e	Russell F	Hursh	Malheur County	Loc Gov	T	1. Temperature standards and cold water beneficial uses are incorrect. 2. Anthropogenic heating analysis ignores key factors.	1. Please see response to comments from Russ Hursh (#33e, part 1). 2. Please see response to comments from Russ Hursh (#33e, part 2).
34f	Russell F	Hursh	Malheur County	Loc Gov	Hg	Not supportive of the mercury approach. Recommendations for mercury include cleanup responsibilities by the state of Idaho for the Jordan Creek area, geologic and hydrologic studies to determine sources and relative loading, determination of agriculture role as a source or a sink for mercury.	Please see response to comments from Russ Hursh (#33f). The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
35a	Lynn	Jensen	OSU Malheur County Extension Office	Ag	TMDL	Stated that the TMDL needed to recognize the connectivity between the economy of families or small	The TMDL specifically recognizes the role of agriculture in the local economy of the SR-HC

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						businesses and improving water quality or agricultural sustainability	TMDL reach and those drainages that are tributary to this portion of the Snake River.
35b	Lynn	Jensen	OSU Malheur County Extension Office	Ag	O	Expressed concern that guidelines that were being set should be supported by scientific analysis	Targets were identified through a rigorous, scientific process utilizing the best available information and guidance prepared by state and federal agencies.
35c	Lynn	Jensen	OSU Malheur County Extension Office	Ag	\$	Expressed concern about the potential economic impacts of the TMDL in light of the economic disadvantage under which agriculture in Malheur County is currently operating	To the extent possible within the regulatory framework under which we are required to work, cost and economics were considered in the identification of load allocation mechanisms within the TMDL. Cost effectiveness of separate implementation measures will be considered in the site specific implementation plans that are prepared. Local participation is encouraged in the preparation of these plans. However, the TMDL must be structured to ensure attainment of water quality targets and support of all designated uses in the SR-HC TMDL reach, aquatic life uses as well as human uses. Good water quality will benefit all sectors of the economy.
36a	Ron	Jones	PAT Oregon Agriculture Representative	Ag	TMDL	<ol style="list-style-type: none"> 1. Expressed concern that there was inadequate representation for agriculture on the public advisory team. 2. Expressed concerns about the level of quality in the TMDL. 3. Expressed concern that meeting load reductions called for would not result in any effects on water quality. 	<ol style="list-style-type: none"> 1. All identified stakeholder interests on the public advisory team have two representatives with the exception of industry and hydropower which have one representative each. Agriculture has two representatives, one each from Oregon and Idaho; therefore, agriculture had equal representation on the public advisory team. In addition, the seatholders for the "Other Interest" category for both Oregon and Idaho are held by individuals who have a background in agricultural interests and often spoke for the agricultural community. The public advisory team was not a voting or consensus based group. All opinions voiced were discussed. 2. The SR-HC TMDL was written based on sound scientific research and approved guidance from state and federal agencies. 3. Within the TMDL, load reductions to meet the identified pollutant targets are projected to result in improvement in water quality. Reductions in

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							other watersheds experiencing similar problems have shown improvements in water quality.
36b	Ron	Jones	PAT Oregon Agriculture Representative	Ag	N	Not supportive of the 0.07 mg/L total phosphorus target.	Please see response to comment from Roger Findley (#27a) and Carl Hill (#22a).
36c	Ron	Jones	PAT Oregon Agriculture Representative	Ag	O	Expressed concern that all load reductions assigned to the Malheur and Owyhee Rivers are the responsibility of nonpoint sources as there are no point sources in these drainages.	The sources of pollutants are responsible for the loading that they contribute. If there were point sources in these drainages, the TMDL processes for these drainages would allocate a portion of the pollutant loading, and therefore a portion of the reduction responsibility to them. Since there are no point sources in these drainages, there are no pollutant loads associated with point sources in these drainages that need to be reduced.
36d	Ron	Jones	PAT Oregon Agriculture Representative	Ag	\$	Expressed concerns about the costs of meeting load reductions assigned to the Malheur and Owyhee Rivers and the state of the agricultural economy.	The sources of pollutants are responsible for the loading that they contribute. If there were point sources in these drainages, the TMDL processes for these drainages would allocate a portion of the pollutant loading, and therefore a portion of the reduction responsibility to them. Since there are no point sources in these drainages, there are no pollutant loads associated with point sources in these drainages.
37	Robert L	Kern	Citizen OR	Prv Ctz	O	Without rigid controls and restrictions on Ag to ensure good management, the TMDL will not succeed. Current political power will not allow regulation of the Ag community, without a recognition of this problem and an acceptance of responsibility by the politicians, the TMDL will fail	We agree that without the participation of all pollutant sources, the SR-HC TMDL cannot be a success. All sources of pollutant loading to the SR-HC TMDL reach must work together to reduce loading. The water quality problems identified are not solely that result of agricultural practices.
38a	Judith	Kirby	Citizen OR	Prv Ctz	TMDL	1. TMDL process and drivers are not in touch with the needs of the western US. 2. Supportive of the adaptive management approach.	1. Please see response to comments from Brian Cleaver (#25a) 2. We appreciate your support and look forward to your participation in this process.
38b	Judith	Kirby	Citizen OR	Prv Ctz	O	Process is the result of Idaho Power Company's relicensing needs.	We disagree. The TMDL process is required by federal law. It is driven by the Clean Water Act of 1975 and associated federal and state policy. The schedule for this TMDL was identified by the State of Idaho, not by the relicensing process for the Hells Canyon Complex.
38c	Judith	Kirby	Citizen OR	Prv Ctz	\$	Expressed concern about the potential economic impacts of the TMDL in light of the economic disadvantage under which agriculture in Malheur County is currently operating	Please see response to comments from Lynn Jensen (#35c).

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39a	Judith	Kirby	Citizen OR	Prv Ctz	TMDL	TMDL process and drivers are not in touch with the needs of the western US. The TMDL is “anti-natural”.	Please see response to comments from Brian Cleaver (#25a). The TMDL specifically addresses anthropogenic effects resulting in the degradation of water quality.
39b	Judith	Kirby	Citizen OR	Prv Ctz	S	Stated that data was available to show that dirt in the water acts to cool the water.	The information that is available to this TMDL does not confirm this trend. However, we would welcome the opportunity to review the data that are referred to.
40a	Dvonne	Knudsen	OSU Malheur County Extension Office	Ag	\$	Stated that the TMDL needed to recognize the connectivity between the economy of families or small businesses and improving water quality or agricultural sustainability	Please see response to comments from Lynn Jensen (#35a)
40b	Dvonne	Knudsen	OSU Malheur County Extension Office	Ag	O	Expressed concern that guidelines that were being set should be supported by scientific analysis	Please see response to comments from Lynn Jensen (#35b)
40c	Dvonne	Knudsen	OSU Malheur County Extension Office	Ag	TMDL	Expressed concern about the potential economic impacts of the TMDL in light of the economic disadvantage under which agriculture in Malheur County is currently operating	Please see response to comments from Lynn Jensen (#35c)
41	Burrell	Lovell	Citizen OR	Prv Ctz	N	1. Discussed local soil conditions and rain events. 2. Stated that water temperatures are predominantly driven by natural conditions	1. We appreciate the information that was provided and the experience that it represents. 2. Our analysis also found that water temperatures in the mainstem Snake River were predominantly driven by non-anthropogenic and non-quantifiable loading. The applicable temperature standard requires no anthropogenic increase in stream temperature when appropriate temperature criteria are exceeded. These criteria have been adopted to protect sensitive beneficial uses such as salmonid rearing. The application of the no anthropogenic increase water temperature criteria to the SR-HC TMDL segments designated for cold water aquatic life and salmonid rearing reflects this finding. Water temperatures in the tributaries were only assessed in a cursory fashion as they are outside the scope of this TMDL and will be assessed in the tributary TMDL processes.
42	Pat	Phillips	Citizen OR	Prv Ctz	TMDL	Expressed nonsupport for the 0.07 mg/L total phosphorus target earlier in the process but the target has not changed.	Please see response to comment from Roger Findley (#27a) and Carl Hill (#22a). The TMDL is required to set targets that will result in the attainment of water quality criteria in the SR-HC TMDL reach. All of the relevant data

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							provided to us was used in the evaluation of the total phosphorus target. The analyses performed as part of this TMDL continue to support this target. If additional relevant data is available in the future, it will be reviewed and incorporated as part of the phased TMDL. The targets and load allocations will be reviewed at this time and, if appropriate, revised to reflect the better understanding of the SR-HC TMDL reach.
43	Joel and Vicki	Price	Citizen OR	Prv Ctz	TMDL	<p>1. Expressed concern that load allocations should not be assigned to the tributaries until a qualified assessment of the tributaries has been completed.</p> <p>2. Expressed concern over lack of data to support declining trends in water quality.</p> <p>3. Expressed concern that feasibility and attainability were not considered in setting targets. Incentives and cost share programs need to be created by DEQ in order for water quality objectives to be attained.</p> <p>4. Expressed concerns that the TMDL did not recognize previous efforts.</p> <p>5. The TMDL does not recognize past efforts or accomplishments in water quality improvement.</p> <p>6. The document identifies alleged problems but no realistic solutions.</p>	1- 6. Please see response to comments from Carl Hill (#22a).
44	Frank	Robinson	PAT Oregon Other Interests Representative	PAT	E	Editorial corrections	Corrections made as indicated
45a	Clint	Shock	Citizen OR	Prv Ctz	TMDL	TMDL process and drivers are not in touch with the needs of the western US.	Please see response to comments from Brian Cleaver (#25a)
45b	Clint	Shock	Citizen OR	Prv Ctz	N, DO	Stated that dissolved oxygen problems in Brownlee Reservoir were a result of the nature and operation of the reservoir.	We agree that a portion of the dissolved oxygen violations in Brownlee Reservoir occur as a result of the reduced assimilative capacity in the reservoir. An additional dissolved oxygen requirement, specific to the decreased assimilative capacity of the reservoirs, has been assigned to Idaho Power Company to account for this effect. However, water quality degradation in the Upstream Snake River segment of the SR-HC TMDL is the result of excessive pollutant loading to the river in this segment. All water quality problems in the SR-HC TMDL reach cannot be solved by changes in flow or management of

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							Brownlee Reservoir. Additional dissolved oxygen requirements, specific to the decreased assimilative capacity of the reservoirs, has been assigned to Idaho Power Company in the form of a dissolved oxygen allocation of an average of 17 tons per day during the summer season. This load allocation includes a substantial margin of safety that will act to protect the aquatic species during periods of both low and high flow.
45c	Clint	Shock	Citizen OR	Prv Ctz	S	Expressed concern that sediment is predominantly delivered in large precipitation events that are outside the control of landowners.	Please see response to comments above (#45e).
45d	Clint	Shock	Citizen OR	Prv Ctz	Hg	Reviewed previous study results that targeted the identification of legacy mining activities as a mechanism to address mercury concerns	We support this suggestion. The SR-HC SBA and mercury loading analysis identify assessment and control of legacy mining wastes as a primary mechanism in reducing anthropogenic sources of mercury loading to the SR-HC TMDL reach. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
45e	Clint	Shock	Citizen OR	Prv Ctz	Pst	Expressed concern that legacy pesticides are predominantly delivered in large precipitation events and are outside the control of landowners.	We acknowledge that large flow events are largely outside of our control and act to transport large amount of sediment. However, the management strategies proposed for legacy pesticide control are management techniques that should be practiced and represent good stewardship of the land. In those areas where pollutant loading from listed pollutants is a concern, these measures can act to minimize the loading from anthropogenic effects. While we are not responsible for control of the forces of nature, we are responsible to control anthropogenic pollutant sources to the best of our ability.
45f	Clint	Shock	Citizen OR	Prv Ctz	I	Supportive of the implementation plan time frame	We appreciate your support and look forward to your participation in this effort.
46	Clint	Shock	Citizen OR	Prv Ctz	\$	Discussed a wide variety of concerns that effect the economic health of the agricultural community.	We appreciate these concerns, but recognize that the TMDL process can only address water quality issues. Please see response to comments from Lou Wettstein (#26).

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47a	Ben	Simko	OSU Malheur County Extension Office	Ag	TMDL	Stated that the TMDL needed to recognize the connectivity between the economy of families or small businesses and improving water quality or agricultural sustainability	Please see response to comments from Lynn Jensen (#35a)
47b	Ben	Simko	OSU Malheur County Extension Office	Ag	O	Expressed concern that guidelines that were being set should be supported by scientific analysis	Please see response to comments from Lynn Jensen (#35b)
47c	Ben	Simko	OSU Malheur County Extension Office	Ag	\$	Expressed concern about the potential economic impacts of the TMDL in light of the economic disadvantage under which agriculture in Malheur County is currently operating	Please see response to comments from Lynn Jensen (#35c)
48a	Paul	Skeen	Citizen OR	Prv Ctz	TMDL	Expressed a number of economic and cost concerns facing the agricultural community.	We appreciate these concerns, but recognize that the TMDL process can only address water quality issues. Please see response to comments from Lou Wettstein (#26).
48b	Paul	Skeen	Citizen OR	Prv Ctz	TMDL	Stated that the citizens of Malheur County have been dedicated to improved water quality for a long time and will continue to do so to the best of their ability.	We sincerely appreciate this commitment on behalf of the citizens of Malheur County and other areas of the SR-HC TMDL reach and inflowing tributaries. We are committed to working together to produce a partnership that will result in cost-effective implementation strategies and lead to attainment of water quality targets.
49a	Brandon	Smith	Citizen OR (TVCC)	Prv Ctz	N	Voiced concerns about the TMDL setting targets that are lower than the naturally occurring levels and establishing unobtainable goals.	Please see response to comments from Carl Hill (#22a, part 1).
49b	Brandon	Smith	Citizen OR (TVCC)	Prv Ctz	\$	Expressed concern about the potential economic impacts of the TMDL in light of the economic disadvantage under which agriculture in Malheur County is currently operating	Please see response to comments from Lynn Jensen (#35c).
50a	Jerry	Erstrom	Citizen OR	Ag	N	Non supportive of the 0.07 mg/L total phosphorus target	# Please see response to comment from Roger Findley (#27a) and Carl Hill (#22a).
50b	Jerry	Erstrom	Citizen OR	Ag	T	Not supportive of the temperature approach. Concerns that target conditions do not reflect natural conditions.	Please see response to comments from Carl Hill (#22a, part 1) and Russ Hursh (#33e, part 1).
50c	Jerry	Erstrom	Citizen OR	Ag	I	Supportive of the implementation plan time frame	We appreciate your support and look forward to your participation in this effort.
50d	Jerry	Erstrom	Citizen OR	Ag	O	Suggested that rather than reviewing the TMDL in five years and making adjustments at that time, if the data is available now, the TMDL should be “done right the first time”.	The TMDL process dictates that the TMDL be produced using available data. This TMDL has been developed using available data and assessing the system to the fullest extent possible. In some cases (identified as data gaps) sufficient data is not available to make a complete assessment. In these cases, the best possible

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							assessment was completed and data collection will continue in order to augment our understanding of the system.
51	Ulee	Yanock	Citizen OR	Prv Ctz	TMDL	1. Stated that the TMDL process does an inadequate job of reaching the people that need to be involved and educated about the process. 2. Stated that the Clean Water Act is not representative of western rivers and climates.	1. We agree that there are places where the public process for TMDLs could be improved. We have tried to include those sectors of the population most likely to be affected by this TMDL through the public advisory team, public information meetings, and the media. We recognize that this process may not reach some people and welcome implementable suggestions as to how it can be improved. 2. Please see response to comments from Brian Cleaver (#25a)
52	Ulee	Yanok	Citizen OR	Prv Ctz	TMDL	Stated that the TMDL is difficult to read and not well organized. Executive summary and appendices are more relevant in terms of impact on people's lives. Requirements for outreach are not adequate to educate and involve people.	We agree that there are many ways to organize a TMDL document. All formats will not be appealing to all stakeholders. In this TMDL process, stakeholder suggestions have been incorporated into the format of the document. We also recognize that there are aspects of the public process that could be improved. We recognize that this process may not reach or appeal to some people and welcome implementable suggestions as to how it can be improved.
53a	Ronald D	Edmondson	Citizen OR	Prv Ctz	Hg	Although there is some loading from legacy mining near Silver City, the main load is natural and therefore unmanageable.	Please see response to comments from Jesse and Pam White (#16c). The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
53b	Ronald D	Edmondson	Citizen OR	Prv Ctz	\$	Expressed concern for economics of the implementing the TMDL	Please see response to comments from Lynn Jensen (#35c)
53c	Ronald D	Edmondson	Citizen OR	Prv Ctz	TMDL	Expressed concern that standards are inappropriate	Please see response to comments from Carl Hill (#22a, part 1) and Brian Cleaver (#25a).
54a	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	TMDL	1. Supportive of the extended review period. 2. Supportive of the TMDL program goals and requirements. 3. Strongly supportive of the Phased/Adaptive Management TMDL approach, Nutrient Allocation Method, implementation timeline, and other TMDL findings and recommendations.	1. Thank you for your support. 2. Thank you for your support. We look forward to your participation in the process. 3. Thank you for your support. 4. The Oregon cool water dissolved oxygen criteria is intended to protect waters where salmonids are present but not the dominant

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						<p>4. Dual targets for same waters (Brownlee Reservoir and the Snake above Brownlee have cold water temperature target and cool water dissolved oxygen target; both targets should be the same, cool water because they support the same aquatic life use.</p> <p>5. Strong support for fair and equitable allocations, recommend that additional language be added to evaluate at least three allocation methods and a rationale to support the recommended approach.</p> <p>6. The draft TMDL document rightly concludes that cold water biota use is not attainable and correctly proposes dissolved oxygen targets based on Oregon's cool water standard. We believe the TMDL, temperature, and dissolved oxygen targets should be based on a similar cool water use designation with a chlorophyll a target of greater than 15 ug/L.</p>	<p>species. The target is protective for dissolved oxygen for salmonids and other cold water species. Temperature criteria are specific to waters where salmonids are present regardless of whether or not they are the dominant species. Applying the cool water dissolved oxygen target does not change the designated use.</p> <p>5. Thank you for your suggestion. It has been considered for inclusion in the SR-HC TMDL.</p> <p>6. We disagree. The SR-HC TMDL <u>does not</u> conclude that the cold water aquatic life use is not attainable. The Oregon cool water dissolved oxygen criteria is intended to protect waters where salmonids are present but not the dominant species. The target is protective for dissolved oxygen for salmonids and other cold water species. Temperature criteria are specific to waters where salmonids are present regardless of whether or not they are the dominant species. Applying the cool water dissolved oxygen target does not change the designated use. The chlorophyll a target identified for the SR-HC TMDL reach is no greater than 14 ug/L mean growing season concentration with a 30 ug/L nuisance threshold.</p>
54b	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	N, DO	<p>1. Supportive of the cool water dissolved oxygen target for the Snake River</p> <p>2. Expressed significant technical concerns with the development of the total phosphorus target including: different use designations for the same reaches, aesthetics target developed without user survey, proposed nutrient target yields a chlorophyll a result (12 ug/L) that is lower than the cold water default value (15 ug/L) in Oregon.</p>	<p>1. Thank you for your support. Please see response to comment #54a, part 1.</p> <p>2. Please see response to comment from Roger Findley (#27a) and Carl Hill (#22a). Uses are those designated by Idaho and Oregon for the listed segments. The aesthetics target was developed based on similar studies on other surface water bodies. A user survey may be completed as part to the phased SR-HC TMDL process. The 15 ug/L value identified by Oregon is not a target, it is a trigger that initiates an assessment of water quality and, if appropriate, a determination of what concentration of chlorophyll a is appropriate for the specific system. The chlorophyll a target identified for the SR-HC TMDL reach is no greater than 14 ug/L mean growing season concentration with a 30 ug/L nuisance</p>

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							threshold.
54c	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	S	<p>1. Because existing data suggest that sediment targets will be met in the mainstem Snake (RM 409 to 335) upon implementation of the nutrient and sediment TMDLs in some of the tributaries a recommendation to identify the listed segments as “anticipated to meet standards in the near future” in the draft TMDL and list them in the October 2002 listing cycle as a "part 4" stream segment per EPA's Consolidated Listing Methodology Guidance.</p> <p>2. The draft TMDL proposes no net increase for sources discharging < 50 mg/l TSS. The sediment allocation to point sources should be for current technology-based concentration limits with 20-year reserve for growth (for example, approach proposed and adopted in the Lower Boise TMDL) or no limitation on additional technology-based discharge, provided discharges are less than the TMDL target end of pipe.</p>	<p>1. We appreciate this recommendation; however, the listing mechanism that will be used for 2002 has yet to be decided.</p> <p>2. We agree. The sediment TMDL has been rewritten to clarify that waste load allocations to point sources have been set at existing NPDES permit limits.</p>
54d	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	T	<p>1. Expressed concerns regarding the nature of the temperature TMDL, if it is really a TMDL, if water quality targets are ever met, can we meet them given background loading, is this a use refinement issue.</p> <p>2. Although the temperature loading analysis demonstrates that natural background is the primary source of temperature criteria exceedences the TMDL appears to use the cold water temperature target, instead of background.</p>	<p>1. There is a temperature TMDL. Targets to be met are those of no measurable anthropogenic increase (defined as less than 0.14°C). These temperatures are attainable in the SR-HC TMDL reach. We do not feel that this is a use refinement issue.</p> <p>2. The background temperature identified as the target for the SR-HC TMDL is no measurable anthropogenic increase in temperature (defined as less than 0.14 °C). This value is not specific to the cold water aquatic life designated use. This section has been rewritten to clarify the target.</p>
54e	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	Hg	<p>1. Expressed concerns regarding the nature of the mercury TMDL, is a TMDL appropriate, can water quality targets be met given air deposition, mining history, and natural geologic background.</p> <p>2. The TMDL does not address the overall, multi-media environmental effects of some of the proposed actions. These will be important considerations as implementation plans are further refined.</p> <p>3. Recommended language to support phased process be added to the document</p> <p>The TMDL needs to address the following issues in</p>	<p>1. Additional data must be collected before load or wasteload allocations can be established. Further monitoring will aid in this assessment.</p> <p>2. We agree that these will be important in the site-specific implementation plans.</p> <p>3. The previous language has been augmented.</p> <p>4. The SR-HC SBA and mercury loading analysis acknowledge lack of mercury data in the SR-HC TMDL reach. Text has been added to clarify and reiterate the phased approach. The air deposition load has been updated to reflect the new EPA</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>regards to mercury: multi-media regulatory approach, a phased TMDL approach, balanced characterization of fish tissue data (older data sets vs. more recent data), air deposition rate underestimation, incorporation of recent data and re-calculation of municipal load, overestimated improvement in methylmercury and biomagnification, bacterial methylation sources not identified</p> <p>5. The TMDL contains an error in load capacity.</p> <p>6. The draft TMDL needs to be amended to include these known and well-documented methylmercury sources.</p> <p>7. The TMDL suggests use of targets based on threshold fish tissue numbers and not the existing water column criteria adopted in water quality standards. The states should use the water column targets unless the state(s) have an active proposal to adopt the threshold levels into water quality standards.</p>	<p>information. Reduction in methylation potential was calculated using literature references cited. Additional references are welcome to clarify this concern. Bacterial methylation potential is acknowledged in the SR-HC TMDL.</p> <p>5. This has been corrected.</p> <p>6. Please provide the citations for these sources so they can be appropriately recognized in the SR-HC TMDL.</p> <p>7. The SR-HC TMDL target for mercury is the water column concentration (0.012 ug/L). Fish tissue levels are used as an indicator of level of concern in the absence of water column data. With data collection, mercury loading to the SR-HC TMDL reach can be determined and the SR-HC TMDL process move forward to completion. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.</p>
54f	Advisory Board	Advisory Board	Lower Boise River Watershed Advisory Group	WAG	Pst	<p>1. Stated that since few pesticide data are available, it should result in the finding that insufficient data exist to evaluate the standard and a proposed monitoring program. Supportive of substantial non-point source sediment reductions to meet other TMDLs that will result in sediment control for pesticide transport as well. An alternative approach would be for expeditious implementation of the nutrient TMDL coupled with Dieldrin/DDT monitoring to determine if or when existing water quality standards are met.</p> <p>2. Additionally, the states appear to need to reevaluate the criteria approach for Dieldrin and DDT.</p> <p>3. Under EPA's new listing guidance, sediment and pesticide TMDLs appear to be addressed as anticipated to meet if nutrients are controlled, and the mercury TMDL may be anticipated to meet if CAA MACT standards are applied.</p>	<p>1. We agree that data are few. We feel that while our understanding of the system will improve with the additional data collection identified in the SR-HC TMDL, there is a need to act in a responsible manner in the meantime. Implementation of nutrient and sediment control practices for sediment and nutrient TMDLs will result in reductions of pesticide loading as well. In this manner, reasonable improvements can be accomplished that result in multiple benefits while obtaining additional data.</p> <p>2. The criteria for DDT and dieldrin were established by the states to recognize and protect the needs of designated beneficial uses within the state. While changes to standards cannot be made as part of the TMDL process, there is a separate, state-specific process to modify standards if they are found to be inappropriate. This process generally, but not necessarily occurs on a three-year schedule (tri-annual review).</p> <p>3. We appreciate this insight; however, the listing</p>

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							mechanism that will be used for 2002 has yet to be decided.
55	John	Bishop	Citizen OR	Prv Ctz	I	Supportive of the 70 year time frame for implementation	We appreciate your support and look forward to your participation in this process.
56	Tom	Dupuis	CH2MHill Sponsors of this report are listed on page 1	Multiple	T	<p>1. Available historic and current data show that the designated uses (cold water aquatic life and salmonid rearing) should be refined to reflect actual existing and best attainable conditions.</p> <p>2. Cold water aquatic life and salmonid rearing are neither existing nor attainable during the critical summer period (June 1 through September 30). Therefore alternative uses and associated criteria should be considered for adoption into the Oregon and Idaho water quality standards and used in the TMDL process.</p> <p>3. The uses determined to be the best fit with the aquatic community that is present and represents the best attainable use in both riverine and reservoir segments (RM 409 to 285), are seasonal cold water aquatic life (Idaho) and cool water fishery (Oregon).</p>	<p>1. Please see response to comments from Russ Hursh (#33e, part 1). We feel that the temperature assessment within the use-refinement document supports the finding of elevated temperature occurrence in the temperature loading analysis in the SR-HC TMDL. However, changes to water quality standards or designated beneficial uses is outside the scope of this TMDL. Please see response to comments from Jesse and Pam White (#16b). Further, in order for such a change to be applicable to the SR-HC TMDL, it must occur in both Oregon and Idaho. If only one state approves such a change, the SR-HC TMDL must reflect the more conservative water quality standard or sensitive beneficial use in order to meet the requirements for protection of interstate waters.</p> <p>2. The SR-HC TMDL must be written specific to current water quality standards and designated beneficial uses. Please see response to comment from Carl Hill (#22a, part 3). If alternative use designations and associated criteria were approved by both Oregon and Idaho, the SR-HC TMDL would be refined within the phased SR-HC TMDL process to reflect these changes.</p> <p>3. We sincerely appreciate the effort the use refinement document represents, the recommendations that it makes, and the additional information that it brings to the process. This effort is acknowledged in the SR-HC TMDL and, if the suggested use designations and associated criteria are approved by both Oregon and Idaho, the SR-HC TMDL will be refined within the phased SR-HC TMDL process to reflect these changes.</p>
57a	Bob	Moore	Citizen OR	Prv Ctz	TMDL	1. Commented that the reason for the current TMDL schedule is to meet Idaho Power Company's FERC	1. We disagree. Please see response to comments from Judith Kirby (#38a)

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						<p>relicensing schedule</p> <p>2. Idaho Power Company should be required to share responsibility in for cleaning up the Snake River and Brownlee Reservoir.</p> <p>3. The electrical supply network should be upgraded and affordable power should be provided best management practices like sprinkler and drip irrigation.</p> <p>4. Requested that 50% of all load allocations for Snake River and Brownlee Reservoir should be assigned to Idaho Power Company.</p>	<p>2. Please see response to comments from Russ Hursh (#33c, part 3)</p> <p>3. This is outside the scope of the SR-HC TMDL process.</p> <p>4. The load allocations assigned to Idaho Power are based on their responsibility for reduced assimilative capacity and other associated changes due to the reservoir complex. Please see response to comment from Russ Hursh (#33c, part 3).</p>
57b	Bob	Moore	Citizen OR	Prv Ctz	\$	The economic burden that is being placed on agriculture should be shared by Idaho Power Company.	Please see response to comments from Russ Hursh (#33c, part 3)
58	Norman M	Semanko	Idaho Water Users Association	Irrig	TMDL, I	<p>1. Supportive of an adaptive management strategy that states "The goal of the Clean Water Act and the associated administrative rules for Idaho and Oregon is that water quality standards shall be met or that all feasible steps will be taken toward achieving the highest water quality available".</p> <p>2. The TMDL should fully adopt all elements of the proposed stakeholder approach prepared by members of the public advisory team. These elements include: a. providing a process for modifying TMDL objectives, targets and load allocations, b. Long-term, scientifically justified water quality based goals, c. Interim, attainable water quality goals based on implementation of feasible control strategies and equitable distribution of the load, d. Pollutant trading to enable cost-effective control strategies, e. Periodic monitoring to determine progress toward TMDL objectives, f. Periodic review of goals, cost-benefit analysis and progress.</p> <p>3. Supportive of the Snake River – Hells Canyon Use Refinement Study.</p> <p>4. Supportive of the review and analysis of the SR-HC TMDL by Dr. Armstrong. Targets should be changed consistent with Dr. Armstrong's work.</p>	<p>1. The adaptive management plan in the draft SR-HC TMDL document was authored by the DEQs. As such, it is supported by the DEQs.</p> <p>2. We support these goals. a. Such a process already exists and has been outlined in the SR-HC TMDL. b. The current water quality goals of the SR-HC TMDL are scientifically justified. c. Interim goals will be clearly defined in the site-specific implementation plans that are prepared within 18 months of approval of the SR-HC TMDL, implementation will center around feasible methods for pollutant control, load allocations were distributed equitably to the extent possible within the SR-HC TMDL framework. d. Pollutant trading is acknowledged as a viable mechanism in the SR-HC TMDL and work is proceeding to establish a trading framework for the SR-HC TMDL. e. Periodic monitoring will be critical to tracking progress. Detailed monitoring plans will be prepared as part of the implementation process. f. Periodic review of the SR-HC TMDL is an integral part of the phased SR-HC TMDL process.</p> <p>3. We sincerely appreciate the effort this document represents, the recommendations that it makes, and the additional information that it brings to the process. This effort is acknowledged in the SR-HC TMDL and, if the suggested use</p>

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							<p>designations and associated criteria are approved by both Oregon and Idaho, the SR-HC TMDL will be refined within the phased SR-HC TMDL process to reflect these changes. Please see response to comments received from Tom Dupuis (#56).</p> <p>4. We appreciate the effort and information provided by Dr. Armstrong. However, we disagree with his observations in regards to the total phosphorus target. The wording of the 80 mg/L total suspended solids target has been changed in the SR-HC TMDL to reflect the language specified in the Lower Boise River TMDL written by IDEQ.</p>
59	Janet A	Gillaspie	Oregon Association of Clean Water Agencies	Muni	Hg	<p>1. Mercury is not generated by WWTP processes, the majority of mercury entering treatment plants is from domestic sources</p> <p>2. Ultra-clean sampling techniques are expensive and measurements are difficult at low concentrations.</p> <p>3. The majority of mercury in the SR-HC system originates from abandoned mines and natural deposits. WWTP loading is a small fraction of the total load.</p> <p>4. The following suggestions were made in regards to mercury: a. use peak wet weather design flow, b. acknowledge in the TMDL that anti-backsliding provisions are not applicable, c. use best management practices in lieu of NPDES permit limits, d. substitute language describing use of reasonable and feasible management practices for current "identify and eliminate" language, e. provide offset credit for point sources that participate in off-site mercury reduction activities</p> <p>5. Supportive of the requirement for reduction of mercury from legacy mining identified by the TMDL.</p>	<p>1. We agree, additional text has been added to the SR-HC SBA and mercury loading analysis to clarify and reinforce this point.</p> <p>2. We agree, with current state and federal targets however, ultraclean techniques are required for measurement.</p> <p>3. We agree, data recently available will help to validate this statement in the SR-HC SBA and mercury loading analysis.</p> <p>4. a. Design flow: We agree. The daily maximum interim waste allocation should be based on peak wet weather design flow. This has been noted in the waste load allocation table.</p> <p>b. Anti-backsliding: The anti-backsliding requirements of the federal Clean Water Act allow lower effluent limits if new information is available that was not available when the effluent limit was set. The document has been revised to include this fact.</p> <p>c. No load or waste load allocations have been established for mercury. Until final allocations can be set, the ODEQ intends to satisfy the interim load allocation strictly through monitoring; effluent limits will not be inserted into permits until a final allocation is set. Modified or renewed permits, however, will likely include a provision requiring POTWs to develop and implement BMPs to reduce and otherwise control mercury in the</p>

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							effluent to greatest extent practicable. The document has been modified to include this information. d. Eliminating Source of Mercury: We agree that total elimination of mercury is not practicable. The document has been changed to include the suggested language. e. Offset Credits for Point Sources: The SR-HC TMDL does allow for and encourage effluent trading which should insure that point sources will be allowed credit for voluntary reductions accomplished off-site. 5. The two DEQs appreciate your comments concerning legacy mining activities. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
60a	Michael W	Horton	Owyhee Irrigation District	Ag	TMDL	1. Data available is not factored into the TMDL 2. Monitoring and studies should be completed before setting the TMDL. 3. Stated that the required public notice process had not been followed. 4. Stated that the TMDL should be postponed until adequate studies and monitoring have been completed.	1. All available, relevant data that demonstrated appropriate levels of quality assurance and quality control were utilized in the SR-HC TMDL process. If there are other data of which the commentor is aware, we would welcome their submission to this process. 2. We are required to meet the existing schedule. For the TMDLs established for the SR-HC reach, we feel that the available data is sufficient. Further monitoring will help to refine these goals but waiting for this data is not a valid reason not to start working toward improved water quality now. 3. This is incorrect. All public notice requirements were met. A thorough and thoughtful process has been followed in completing the SR-HC TMDL and further refinements will be made as part of the phased approach. 4. Adequate mainstem Snake River total phosphorus and chlorophyll a data are available to the SR-HC TMDL. To delay action until additional collection of water column data was complete would be irresponsible. Management practices likely to offer the best reduction

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							effectiveness are generally good stewardship practices. These management practices are not limited to agricultural lands, and should be in place regardless of whether or not there is a TMDL in place. In some circumstances, the SR-HC TMDL specifically identifies monitoring to fill data gaps as a priority goal, however, it is not a reason to delay doing what is reasonable.
60b	Michael W	Horton	Owyhee Irrigation District	Ag	\$	Expressed concerns about the economic impact to Snake River communities.	See response to comments from Lynn Jensen (#35c).
60c	Michael W	Horton	Owyhee Irrigation District	Ag	Hg	Mercury is from mining in the Jordan Creek drainage. These sources should be addressed before requiring mitigation.	The implementation called for in the mercury TMDL specifically targets legacy mining activities as the first priority goal. Implementation on the part of nonpoint sources includes only those practices that are appropriate for sediment control regardless of whether there is a mercury concern or not. No additional implementation specific to mercury is required by the SR-HC TMDL than that identified as appropriate stewardship of the land. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
61a	Vince	Alberti	Twin Falls Canal Company	Irrig	TMDL	<p>1. Supportive of an adaptive management strategy that states "The goal of the Clean Water Act and the associated administrative rules for Idaho and Oregon is that water quality standards shall be met or that all feasible steps will be taken toward achieving the highest water quality available".</p> <p>2. The TMDL should fully adopt all elements of the proposed stakeholder approach prepared by members of the public advisory team. These elements include: a. providing a process for modifying TMDL objectives, targets and load allocations, b. Long-term, scientifically justified water quality based goals, c. Interim, attainable water quality goals based on implementation of feasible control strategies and equitable distribution of the load, d. Pollutant trading to enable cost-effective control strategies, e. Periodic monitoring to determine</p>	<p>1. Please see response to comments from Norm Semanko (#58, part 1).</p> <p>2. Please see response to comments from Norm Semanko (#58, part 2).</p>

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						progress toward TMDL objectives, f. Periodic review of goals, cost-benefit analysis and progress.	
61b	Vince	Alberti	Twin Falls Canal Company	Irrig	T	Supportive of the Snake River – Hells Canyon Use Refinement Study.	Please see response to comments from Tom Dupuis (#56).
61c	Vince	Alberti	Twin Falls Canal Company	Irrig	N	Supportive of the review and analysis of the SR-HC TMDL by Dr. Armstrong. Targets should be changed consistent with Dr. Armstrong's work.	Please see response to comments from Neal Armstrong (#63).
62a	Nate	Anderson	TVCC student	Prv Ctz	TMDL	Voiced concerns about naturally occurring concentrations being higher than the targets that have been set.	Please see response to comments from Carl Hill (#22a part 1) and Brian Cleaver (#25b).
62b	Nate	Anderson	TVCC student	Prv Ctz	I	Supportive of a long-term time frame for improvement.	Thank you for your support. We look forward to your participation in this process.
63	Daniel V	Stenson	Ringert Clark Chartered in behalf of the Idaho Water Users Association	Irrig		Includes previous comments from other entities submitted during the TMDL process and comments submitted to the Idaho legislature (#63a through #63nn), as well as new comments from Dr. Armstrong (#63 Neal Armstrong below).	Comments/information submitted and responded to earlier in the SR-HC TMDL process have been entered into this matrix as #63a through #63nn. Some of these comments are specific to text or sections that were edited in earlier versions of the TMDL document and so section or page numbers no longer apply. Specific responses to new comments from Dr. Armstrong are included below (#63 Neal Armstrong).
63a.				Irrig	TMDL	<p>1. We understand from numerous statements that the DEQs have made to the Public Advisory Team (PAT) that the SR-HC SBA is a “work in progress” which will not be finalized until after the public comment period following the release of the full TMDL package later this year, and that there will continue to be opportunities to propose changes and additional language. We will propose additional language to address unresolved issues and the need for flexibility in the establishment, modification, and implementation of TMDL targets and loading allocations. This TMDL’s magnitude, potential cost, and the compressed development time frame mandate a truly “adaptive management approach.”</p> <p>2. We will propose language to ensure that this TMDL sets attainable water quality objectives that have a sound scientific, legal, and economic basis. Submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	<p>1. Comment noted. We appreciate your assistance with this effort.</p> <p>2. We appreciate your offer to propose language for attainable water quality objectives and look forward to receiving your comments.</p>

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63b.				Irrig	TMDL	<p>1. We continue to call on the agencies to evaluate the feasibility of attaining proposed targets and load reductions. This requires thorough analysis of the natural, hydrologic, and economic constraints affecting what some might view as “full attainment” of designated uses. There is a substantial difference between restoring and maintaining historic water quality conditions (pre or post Hells Canyon Complex), and attempting to manufacture conditions which may never have existed, given the high natural inputs of heat, mercury, phosphorus and sediment. The Snake River is a multiple use resource that supplies many of society’s most fundamental needs for power, recreation, and water for domestic, agricultural and commercial uses. Hydrologic modification and management of the flows of the Snake River are essential to these needs. The public policy choices that are to be made through the TMDL’s targets and load allocations must take all these factors into consideration. We urge the agencies to consider the costs of proposed targets and load allocations before they are adopted. To that end, included with this letter are statements by several representatives of Idaho and Oregon water users (representing agriculture, aquaculture, and municipalities) regarding economic impacts of TMDLs.</p> <p>2. We will provide further economic data as it is developed. Submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	<p>1. Comment noted. Water quality standards are set based on use designations and support. Uses designated are those that existed in November 1975. Conditions are not “manufactured”, they are those defined as necessary for support of designated beneficial uses as identified by Idaho and Oregon State Water Quality Standards. Natural influences on water quality have been recognized within the SR-HC TMDL.</p> <p>2. We appreciate your offer to provide further information and look forward to receiving your comments.</p>
63c.				Irrig	TMDL	<p>As you know, we have raised serious concerns about the legality and wisdom of adopting Oregon water quality standards or new water quality standards for Idaho waters through this TMDL process. It is clear to us that this is precisely what is occurring. These concerns are not allayed by characterizing the process as choosing the most stringent standards to establish TMDL “targets.” However the process is characterized, the fundamental problem created by this “creative approach” to setting and implementing</p>	<p>It is the opinion of the DEQs that the proposed targets do not constitute an adoption of Oregon water quality standards. It is further the opinion of the DEQs and EPA that it is the responsibility of the states to recognize and meet the water quality standards of downstream states at the state line. As the state line in the Snake River extends down the middle of the river throughout the majority of the SR-HC TMDL reach, the mainstem river represents an interstate water and therefore must</p>

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						water quality standards is that, through this TMDL, changes in Oregon water quality standards will dictate changes in Idaho water quality standards. Adopting Oregon water quality standards for purposes of this TMDL without any critical analysis of the propriety of those standards is simply unacceptable, very bad public policy, that does nothing to protect Idaho water users, Idaho sovereignty, and the prerogatives of the executive and legislative branches of Idaho government. Submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	meet the water quality standards of both states.
63d.				Irrig	TMDL	During your March 19, 2001 presentation to the Technical Advisory Committee for the Lower Boise River Water Quality Plan, you stated that, in response to these concerns, Idaho DEQ and Oregon DEQ are negotiating the terms of an agreement in which the agencies will agree that changes in Oregon water quality standards will not affect Idaho water quality standards or the water quality targets and load allocations established by this TMDL. We request that you provide us a draft of such an agreement as soon as it is available, and before it is executed, so that we may evaluate it and provide comment. Submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	During the presentation to the Lower Boise River Technical Advisory Committee it was stated that this concern was recognized by the DEQs. It was not stated that an agreement such as that described in the preceding comment was being prepared. Rather, it was stated that the DEQs are working on a resolution of these concerns and that if an agreement were produced, copies would be available for comment.
63e.				Irrig	TMDL	The DEQs have summarily disputed many of the substantive comments we have provided on prior SBA drafts. Therefore, in response to the March 12, 2001 draft, we reiterate and incorporate by reference our prior comments. Submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The comments referred to have been included below (comments #63f through #63nn).
63f.				Irrig	TMDL	Representatives of Idaho water users expressed concern "that the PAT has not been provided sufficient information or time to consider the	It is not expected that the SR-HC TMDL will affect the entire 73,000 square mile watershed area. The land area within the SR-HC reach includes

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>complicated issues in this massive TMDL, which will impact a 73,000 square mile [area] comprising all the drainages to the Snake River. This area is as large as the area encompassed within the Snake River Basin Adjudication (SRBA), which began in 1987 and is perhaps nearing the halfway mark toward completion. It is beyond comprehension that, in terms of water quality, the DEQs are attempting to do in less than 2 years what the SRBA Court and the Idaho Department of Water Resources will do in terms of water rights in 20 or more years.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	<p>2,500 square miles. It is expected that tributaries discharging directly to the SR-HC reach will (through implementation of TMDLs specific to tributary drainages and the findings of the SR-HC TMDL) be able to improve management practices and attain improvement in water quality both within the tributary waters and the mainstem Snake River. The SR-HC TMDL process is not limited to the completion of the SR-HC TMDL document. It is acknowledged that implementation to improve water quality in this area will most likely require 50 to 70 years. It is the responsibility of the DEQs to act in a timely and efficient manner to assess and improve water quality, even in large and complex watersheds. The goal of this process is to make the best judgment possible given available data, implement projects that are reasonable and prudent within the area and continue to monitor and refine goals as more information becomes available. Additionally, the time allowed for PAT and public review of the SR-HC TMDL is unprecedented in either Idaho or Oregon. The public comment period on the final SR-HC TMDL was delayed approximately 45 days to allow further PAT review of the final SR-HC TMDL draft. The public comment period was extended to 120 days to allow extra time for public review.</p>
63g.				Irrig	TMDL	<p>“Representatives of Idaho water users and “ the water users [they] represent want it made clear in either the SBA or the SBA comment matrix that we do not believe the 221-mile stretch of the Snake River has been adequately assessed by the DEQs and EPA. [They] do not want there to be any implication in the submission of the SBA for public comment at this time that [they] believe the SBA represents a proper assessment of the SR-HC reach. [They] recommend that [the DEQs and EPA] give other PAT members the opportunity to have this view expressed for the record in this process.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette</p>	<p>These comments have been included in this comment matrix as part of the SR-HC SBA review and public record and this matrix. Specific mention of the availability of comments and the public record have been included in the 12 March 2001 draft of the SR-HC SBA and the final SR-HC TMDL draft. All comments received have been incorporated into either this or previous comment matrices.</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						River, and Daniel Steenson, representing the Idaho Water Users Association	
63h.				Irrig	TMDL	Representatives of Idaho water users specifically requested that the following numbered comments from the previous draft SR-HC SBA be included in this comment matrix: 393, 395, 397, 404-406, 408, 409, 411, 412, 414-420, 423-426. (PLEASE NOTE: References to sections or locations within the following comments may no longer be directly applicable to the 12 March 2001 draft SR-HC SBA as changes in format and organization have occurred.) Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The listed comments have been incorporated in the matrix below. Column numbering has been replaced to correlate with this comment matrix (#63i through #63cc). Original numbering has been retained in parentheses at the start of each individual comment to allow cross reference with the comment matrix from the previous draft SR-HC SBA.
63i.				Irrig	TMDL	(#393) General explanation of basic process should be added. Questions including: What is a Sub-Basin Assessment? What is to be assessed? Why are the DEQs preparing this Assessment? What is the role of the Assessment in the SR-HC TMDL process? How are the DEQs supposed to perform an Assessment (i.e. what procedures are to be followed and what standards are to be applied)? Should be answered by the SBA. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	Text has been added as recommended.
63j.				Irrig	TMDL	(#395) The CWA does not require a TMDL for each water-quality limited segment (WQLS), as suggested in the first full paragraph under section 2.2.1 (misnumbered?). Instead, 40 CFR 130.7 requires that States establish TMDLs for each WQLS that is identified as “still requiring” a TMDL because technology-based effluent limitations, more stringent effluent limitations, and other pollution control requirements “are not stringent enough to implement any [WQS].” 40 CFR 130.7(b)(1), (c). Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson,	Changes have been made as appropriate.

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						representing the Idaho Water Users Association	
63k.				Irrig	N	(#397) Sec 2.1.1 Geology & Soils (page 5): These discussions do not adequately describe the nutrient-rich nature of the soils surround the Snake River. EPA's 1974 Water Quality Inventory stated: "The mountains that rim the southeastern border of the Snake River basin and form its headwaters contain phosphate deposits that are among the world's richest." This is critical information that must be addressed in the Assessment's discussion of geology and soils. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	This text has been added as recommended.
63l.				Irrig	TMDL	(#404) Sec. 2.1.2 (Recreation, pp. 11-13): The discussion of recreation is unnecessarily long, particularly in comparison to the scant discussion of economic activities such as agriculture. Under "History and Economics, the Assessment also underrates the continuing importance of agriculture, in comparison to the over emphasis, again, on recreation and hydropower (much of which provides power to agricultural operations). The imbalance in these discussions connotes administrative biases that are inappropriate in this assessment. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	We do not agree. No emphasis was intended and none should be inferred in the discussion lengths. Additional information suggested for inclusion by the comment authors would be appreciated.
63m.				Irrig	TMDL, Hg, T	1. (#405) In Table 2.2, entitled "Water Quality Standards and Criteria Specific to the SR-HC TMDL," the DEQs announce changes to Idaho's water quality standards for temperature, dissolved oxygen (DO), pH, and mercury. The changes, summarized below, replace Idaho's water quality standards with Oregon standards and other standards that have not been adopted or previously considered by either state. 2. (#405) The information presented in the Assessment demonstrates that TMDLs are not justified for either mercury or temperature. The data show a significant decline in the concentration of	1. We do not agree. Proposed targets do not constitute a change to either state standard. 2. Mercury analysis has changed sufficiently over the course of the available data collection to make any trend evaluation speculative at best. This is specifically stated in the SR-HC SBA and mercury loading analysis document. Text has been rewritten for clarification. Mining loading can be reduced through remediation and proper management of legacy sites. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water

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						mercury in fish tissue to well below the Idaho and Oregon water quality standards. The Assessment reports that the major sources of mercury are historic mining activities and natural geologic inputs, which cannot be affected by a TMDL. 3. (#405) The Assessment correctly reports that water temperatures are driven by atmospheric conditions and that aquatic species have thrived historically even though water temperatures have historically exceeded temperature criteria. 4. (#405) There is therefore no basis for implementing TMDLs for either mercury or temperature. Since Oregon has listed the SR-HC segments for mercury and temperature only, there is no basis for any TMDL based on Oregon water quality standards, and the proposed implementation of a SR-HC TMDL due to Idaho's WQL listing provides no justification for applying Oregon water quality standards to any Idaho waters. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development. 3. The SR-HC TMDL identifies natural and non-quantifiable sources as primary influences on elevated temperatures in the SR-HC TMDL reach. 4. Idaho's 1998 303(d) list was amended by US EPA to include temperature listings for the SR-HC TMDL reach so both states have this reach listed for temperature in their respective 1998 303(d) lists.
63n.				Irrig	TMDL	(#406) In the discussion of designated beneficial uses there in an imbalance and apparent bias favoring recreation and hydropower generation uses, in comparison to the scant discussion of agricultural water supply. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	We do not agree. No emphasis was intended and none should be inferred in the discussion lengths. Additional information suggested for inclusion by the comment author would be appreciated.
63o.				Irrig	S	(#408) Sec. 2.3 (page 24, last paragraph): The discussions in the next several paragraphs concerning sediment impoundment and the impact to upstream beneficial uses relate to situations outside the TMDL reach and should be removed or at least rewritten to put these impacts into context as they relate to this TMDL reach. For example, in the second paragraph on page 25, how do the algal blooms in upstream reservoirs discussed in this section affect water quality in the SR-HC TMDL reach? In addition, the	Document has been reorganized to put impacts into context within the respective segments. General discussions of what impacts "can" or "tend to" occur are intended clarify the potential impact of pollutants. They are not intended to imply that all impacts occur within the specified segment.

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						discussion in the last paragraph of page 24 and the first two paragraphs of page 25 is replete with generalizations and speculation about the potential impacts of impoundments (16 statements of what “can” or “tends to” occur). As stated in the following comment section, such speculation is not a proper basis to asserting actual water quality impacts to impoundments or discharges. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63p.				Irrig	N	(#409) The statement that “Nutrient reductions for the Lower Payette River drainage were deferred to correlate with the completion of the SR-HC nutrient TMDL in 2001.” is not accurate. The Lower Payette River currently meets Idaho water quality standards for nutrients and should be de-listed from the 303(d) list for nutrients. This is the reason a TMDL was not done for the Lower Payette River segment. If load allocations are made for the mouth of the Lower Payette River by the SR-HC TMDL, they will probably be distributed upstream by the Nutrient Management Plan (NMP) referred to in the SBA, and not a TMDL. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	This general information contained in this statement was obtained from the Lower Payette River TMDL, page 3; and from the author of that TMDL (IDEQ). The Lower Payette River is currently listed for nutrients. Preparation of a TMDL or a NMP will depend on delisting status.
63q.				Irrig	TMDL	(#411) Throughout the Assessment the DEQ’s identify water quality “concerns” about the levels of sediment, nutrients, mercury, dissolved oxygen and other constituents as the basis for listing the SR-HC segments as water quality limited. The character and quality of the information used to find that designated uses are not supported is critically important to the Assessment, WQL listing, and TMDL processes. “Concerns” about “potential impacts” are not sufficient to justify WQL listing and TMDL implementation. Water bodies for which there are no physical chemical, or biological information available should not be included on section 303(d) lists. * * * [A]s water	TMDLs are being assessed for only those pollutants currently listed by the states of Oregon or Idaho within the SR-HC reach. In those cases where data is sufficient to show that exceedences or impairment do not exist, delisting has been recommended. BURP protocols are not available at this time for “grand” rivers like the Snake. In some cases sufficient data is not available currently to assess impairment status. In these cases, data collection has been recommended as part of the implementation process. To the extent possible, language within the SBA has been added to address this concern. The SR-HC

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						bodies are identified for which there are insufficient data or data of questionable validity to determine whether the water body should be included on the 303(d) list, States will, to the maximum extent possible, make plans to collect additional information so that better and more informed 303(d) determination can be made. The beneficial use reconnaissance project (BURP) process is used to determine the attainability and support status of beneficial uses. This includes characterizing reference stream conditions and comparing habitat and biota in the study stream to the reference stream. (1996 BURP Workplan, p. 4.) "BURP data will be used to determine the existing uses for each surveyed water body. If a beneficial use is determined not to be existing at the time of the survey, then the BURP data will be used to determine if the use is attainable in the future." Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	TMDL can be used as a source of information and recommendations for re-evaluation of existing designated beneficial uses and pollutant listings. However, use attainability assessment and the delisting process are separate from the SR-HC TMDL process and cannot be accomplished within this document.
63r.				Irrig	TMDL	(#412) The Assessment's Assertions About Negative impacts of the Listed "Pollutants" are Speculative and Theoretical. The Assessment contains no information indicating that people recreate in the river less than they used to, that recreational users have become ill or annoyed by aquatic plant growth, or that the types, numbers, or distribution of aquatic species in the river have declined over time. The Assessment also does not demonstrate that the river contains more sediment, nutrients, bacteria, or other pollutants now than it did at any time in the past. The assertion that the uses and quality of the river is instead a judgment that the status of uses and the quality of the river is not what is could be or should be. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	In some cases there are not data to support listed pollutants. In other cases there are sufficient data to demonstrate water quality exceedences. Most pollutants have more than one potential mechanism of impact. For example, level of recreation use may not show substantial decline due to algae growth but dissolved oxygen levels are obviously not meeting state criteria. Anecdotal and technical information showing a level of impairment of recreational and fishing/fish habitat designated beneficial uses is available for most areas of the SR-HC reach.
63s.				Irrig	TMDL	(#414) An actual showing of impairment is necessary in part because, in the only prior assessments of the	These same report summaries show that many of the designated beneficial uses in the SR-HC

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						SR-HC segments, only salmonid spawning was found to be “not fully supported.” IDEQ’s listing of the SR-HC segments for TMDL development began with Idaho’s June, 1989 and December, 1992 Water Quality Status Reports prepared to comply with section 305 (b) of the CWA. Section 305(b) requires each state to submit a report describing the water quality of all “navigable waters” in the state. The 1989 305(b) report was Idaho’s first submission under the 1987 amendments to the CWA. Excerpts from the Report were included, as was an in-depth discussion on the information sources and types available for these prior efforts. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	reach are potentially at risk or not fully supported. It is the responsibility of the DEQs to address these concerns, not solely those uses that are not supported at all due to water quality impairment.
63t.				Irrig	\$	(#415) There has been no determination that required, available, or cost-effective controls have not been or will not be effective in restoring uses to full support . A determination that uses are impaired is not enough to list a water body as water quality limited and implement a TMDL. If a water body is “determined to be impaired under section 305(b), it should be reviewed for possible inclusion on the section 303(d) list.” (Guidance for 1994 Section 303(d) Lists, p. 5.) After determining that a water body does not fully support uses, IDEQ must, in consultation with advisory groups, designated agencies, and landowners, determine whether the application of required or cost-effective pollution controls to discharges will restore the water body’s uses to full support status. (IDAPA 16.01.02.054.01) If, after consultation, IDEQ determines that required or cost-effective pollution controls will not be, or have not been, effective in returning the uses of the water body to full support, IDEQ then lists the water body as water quality limited and implement a TMDL. (IDAPA 16.01.02.054.02). The Assessment contains no evaluation or determination that required or cost effective discharge controls will not be effective in restoring impaired uses of the SR-HC segments to full	We do not agree. This comment is a discussion of the listing process. For the SR-HC reach, the listing process has already occurred and the SR-HC TMDL is working with the resulting listed parameters. TMDLs are being assessed for only those pollutants currently listed by the states of Oregon or Idaho within the SR-HC reach (with the exception of the total dissolved gas TMDL that was requested by PAT members). Permitted discharges within the SR-HC reach do not represent a sufficient portion of the total pollutant load to be effective in returning the waterbody to full support. Pollutant loading within this reach is predominantly nonpoint source in nature.

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						support status. Even if IDEQ maintains its determination that uses are impaired or threatened and implements a TMDL without properly evaluating available control methods, the Assessment does not present “definitive and generally accepted water quality data [which] indicate that unless remedial actions are taken in the near term there will be a significant risk” to designated or existing uses. (I.C. § 39-3609.) Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63u.				Irrig	TMDL	(#416) There is no Legal Authority for Allocating Loads to Tributaries. The Snake River and its tributaries (Boise, Payette, Weiser) are hydrologically and administratively separate water bodies within separate “HUCs,” each divided into separate segments. State law authorizes implementation of a TMDL “to control point source and nonpoint sources of pollution on the water body” in which uses are not fully supported. (I.C. § 39-3611.) A TMDL establishes a loading capacity for a segment identified as water quality limited, and allocates that capacity to the receiving stream’s point and nonpoint sources. (40 CFR §§ 130. 2(f)(g)(h), 130.7.) There is no statutory or regulatory authority providing for the allocation of a water body’s loading capacity to another water body, or for treating a tributary stream as a “source” or “discharge.” There is also no authority for allocating the loading capacity of one water body to sources located on another water body. Imposing phosphorus and algae reductions on the tributaries based on water quality impairment in the Snake River would effectively treat the tributaries as a sources or discharges, in the absence of any statutory or regulatory authority. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	We do not agree. Waterbodies discharging into other systems can impact water quality in the receiving waters. This is not an issue of authority. The states determine loading. In the South Fork of the Coeur d’Alene banks and sediment beds were designated as sources. The point of the SR-HC TMDL, in part, is to identify and address all sources. In addition, the SR-HC TMDL must allocate loads so that the waterbody’s capacity to assimilate pollutants is not exceeded and that water quality standards are met. Natural or internal loads that cannot be reduced must be included in the SR-HC TMDL as well as those that can be controlled and reduced. The more natural or otherwise uncontrollable loads consume the available capacity defined in the SR-HC TMDL, the less capacity will be available for controllable loads. Assessed load reductions are allocated to those sources that can be managed (i.e. landslides occurring naturally would not commonly be assessed a load reduction as they are not a source that can be managed, landslides occurring due to poor road placement or construction may result in assessment of a load reduction to those management entities responsible for putting in the roads).
63v.				Irrig	TMDL	(#417) The data showing that the bacteria and pH	We do not agree with the recommendation for

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						criteria are not exceeded demonstrates the need for a thorough assessment of support status and the rationale for pollutant listings. The decision to delist the SR-HC segments as WQL due to bacteria and pH demonstrates that implementation of TMDLs is not mandated by Idaho Sportsmen's Coalition v. Browner if data and analysis shows that a TMDL for a constituent and constituents is not justified. Given the paucity of data available at the time of the 305(b) reports, the fact that most designated uses were rated as supported, and the fact that the court did not hear any evidence regarding the status of uses or water quality criteria on any stream segment, delisting is a very likely and logical consequence of the badly needed Assessment the DEQs are supposed to perform. The analysis of these constituents supports delisting for mercury, since the existing mercury criteria is not exceeded. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	mercury delisting at this time. (Please see response to comment #63m, part 2) In the case of bacteria and pH there were sufficient data available to show that exceedences were not occurring. This is not the case with the limited data set available for mercury. More data is recommended. In addition, health advisories for mercury are currently in place for both states, delisting would not occur unless these advisories were lifted.
63w.				Irrig	S	(#418) The Assessment states that Idaho listed the Upstream, Brownlee, and Oxbow segments as WQL "due to exceedences of the Idaho water-quality criteria." None of the sections of the Assessment discussing these SR-HC segments identifies any actual sediment criteria exceedence or designated use impairment resulting from sediment concentrations in the SR-HC segments. Without this fundamental, mandatory information and analysis, the Assessment does not establish any basis for the continued listing of any SR-HC segment as WQL or for implementation of a TMDL. Oregon has not listed any SR-HC stream segment as WQL for sediment. IDEQ must follow water quality standards and procedures established by Idaho statutes and regulations in Assessing the status of the SR-HC segments and determining whether to implement a sediment TMDL. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the	The loading analysis for sediment shows that at some locations in the SR-HC TMDL reach sediment targets are exceeded. The organic loading associated with mainstem sediment loads is a cause of low dissolved oxygen in the reservoir segments and potentially in the upstream segment (RM 409 to 335) as well. Data available show that dissolved oxygen at the sediment/water interface violates water quality criteria. Conditions in the upstream segment (RM 409 to 335) are very similar to those described where these violations occurred. Numeric sediment targets identified for the SR-HC TMDL reach are the same as those identified in other Idaho TMDLs (Lower Boise River and Mid-Snake). They are not based on Oregon water quality standards.

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						Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63x.				Irrig	S	<p>(#419) Under the heading Water Quality Targets the Assessment refers to the narrative criteria in both Oregon and Idaho. As previously discussed, the DEQs have no authority to apply Oregon sediment criteria to determine water quality targets in this TMDL process because Oregon did not list any SR-HC segments as WQL due to sediment. The Assessment states that numeric targets will be chosen based on an understanding of sediment transport and delivery within this system and “research carried out in systems with similar climate and geology.” The Assessment then refers to the targets chosen for the Lower Boise River TMDL. As a substitute for data showing that sediment in the water column of the Lower Boise River actually injures or stresses fish, IDEQ relied on a suggested sediment criterion based on an article to support a determination that fish are “likely” impaired by sediment, and to justify implementation of a sediment TMDL. There is no state statute or rule which suggests that a literature review is sufficient to support an impairment determination, or is a valid substitute for water quality data, “monitoring and surveillance.” IDEQ has not identified a reference stream or condition to evaluate the impacts of suspended sediment on fish in the Snake River. Ironically, in the one stream discussed in the literature that was similar to the Boise River, healthy populations of fish are supported where instream concentrations are 200 mg/l, four times the 50 mg/l criterion and target proposed by DEQ. Detailed recommendations for evaluation of sediment impacts are provided.</p> <p>Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	It is the position of the DEQs and EPA that instream targets should be set to ensure that the water quality standards of both states will be met and will be protective of aquatic life and other designated beneficial uses. We appreciate the information provided for the evaluation of sediment targets.
63y.				Irrig	N	(#420) We have presented substantial information that the natural, background concentrations of phosphorus in the SR-HC segments and their tributary	Suggested text has been included as appropriate. However, natural loading has not been identified as a major source of nutrient loading in the

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						sources are sufficient to support maximum growth of the aquatic macrophytes, periphytic algae, and phytoplankton. This information dates at least back to 1974, when EPA reported the following excerpts from its 1974 National Water Quality Inventory. (Numerous text excerpts regarding nutrient processing and productivity within the Snake river system are provided). Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	mainstem Snake River within the SR-HC TMDL reach.
63z.				Irrig	N	(#423) The terms "nuisance aquatic growth", "algal blooms", "excessive algal blooms", and "algal mats" are used without quantification and without regard to the spectrum of water uses designated for the Snake River and Hells Canyon complex. The text needs to reflect the difference in conditions in a riverine environment like the Snake River above Brownlee Reservoir and the lake environment in the Hells Canyon complex. The discussion of excessive blooms and blue-green algae refer almost exclusively to lake systems. Also, the text assumes that algal mats only occur when nutrient concentrations are elevated; in fact, visible mats of algae can occur in the presence of very small concentrations of nutrients as long as quiescent or low velocity conditions exist - again, the impact of the flow regimen - and thus this discussion needs to be rewritten so it is balanced. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	Suggested text has been included as appropriate. The loading analysis section has been rewritten for clarification and numeric values have been identified as appropriate.
63aa.				Irrig	N	(#424) The second paragraph refers only to excessive (again, how defined?) algal growth in a lake environment, and it should be acknowledged that the conditions described are not found in the Snake River above Brownlee Reservoir. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	Text was reworted and format changes were made as appropriate.

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
63bb.				Irrig	N	<p>1. (#425) In the third paragraph, there appears to be a misconception about unionized ammonia. Unionized ammonia can occur in water bodies with high concentrations of dissolved oxygen as well as low concentrations. True, oxidation of ammonia nitrogen to nitrite nitrogen and then to nitrate nitrogen requires dissolved oxygen because these conversions (nitrification) are biologically mediated, and, in the face of low dissolved oxygen concentrations, ammonia nitrogen concentrations will not be oxidized. But ammonia concentrations must be in relatively high, i.e., several ppm, and pH must be approaching 8.0 or higher before the unionized ammonia form becomes predominant enough to cause toxic effects. In the water quality sampling of the Snake River in 1995 by Idaho Power Company (Harrison et al. 1998), no concentrations of ammonia nitrogen above 0.5 mg/L are reported. Thus, unionized ammonia toxicity is a non-issue.</p> <p>2. (#425) The other issue in this paragraph, that total phosphorus inputs reduction can lead to water quality improvements in surface water systems dominated by blue-green algae is predicated first on the premise that blue-green algae may obtain their nitrogen through nitrogen fixation which is true and second of the premise that total phosphorus concentrations can be lowered sufficiently to substantially reduce the growth rate of this algae and hence reduce its growth. There is no evidence available for the Snake River that low enough concentrations can be achieved, for existing concentrations of total phosphorus in the Snake River when other algae dominate at Chlorophyll a concentrations above 100 ug/L are very low but not low enough to be close to the Michaelis constants for phytoplankton and thus to be limiting to growth rate or to growth.</p> <p>3. (#425) the implication that the blue-green algae are observed in the Snake River - Hells Canyon system is not borne out by the available data. The Idaho Power Co. studies of the Lower Snake River (Harrison et al., 1998) note the dominance of diatoms in the spring and fall of 1993 in the upper portion of</p>	<p>1. The ammonia discussion has been removed as suggested.</p> <p>2. We do not agree. The body of literature available shows that reductions in nutrient loading can have very positive effects on water quality.</p> <p>3. Data is available and cited within the SBA that show that blue-green algae are present at levels of concern within the SR-HC reach as determined by chlorophyll a levels and general population summaries. Presence of cyanobacteria (blue-green algae) is not limited to low flow years. Additional information has been incorporated in the nutrient loading analysis for the SR-HC TMDL.</p>

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						Brownlee Reservoir. Cyanophyta, or blue-greens, were observed in the summer of 1992 which had the lowest flows on record. Thus, this statement needs to be changed, and the consequences of blue-green algae causing toxic and/or taste and odor problems removed unless there is further qualification of the conditions under which such conditions might be found. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63cc.				Irrig	N	<p>1. (#426) The target phosphorus concentrations chosen for the Snake River-Hells Canyon complex are the current EPA guidelines, i.e., total phosphorus #0.05 mg/L in streams discharging to a lake or reservoir and #0.10 mg/L in streams not discharging to a lake or reservoir. These national guidelines were developed from best professional judgment based on data available prior to 1965. They predate the extensive EPA National Eutrophication Study of the 1970's, the loading relationships and diagrams based on mass balance relationships developed by Vollenweider in the late 1960's and middle 1970's, and the internationally recognized OCDE (1982) study.</p> <p>2. (#426) Background concentrations in the Snake River will have to be taken into account as naturally high phosphorus concentrations occur due to the phosphate deposits found in the mountains that rim the southeastern border of the Snake River basis. According to the EPA's 1974 National Water Quality Inventory (p. 217), these mountains contain deposits that are among the world's richest. This report goes on to say that "natural leaching of phosphorus from those deposits unquestionably constitutes the basis for the extraordinary productivity of the Snake system", and they reported phosphorus concentrations exceeding 0.05 mg/L in 50 percent of the observations taken from the mouth of the Portneuf River at the head of the American Falls Reservoir to the mouth of the Snake River and dissolved</p>	<p>1. Targets were draft at the time of this comment. They have been finalized with the completion of the loading analysis and other pertinent assessments. Targets are 14 ug/L mean growing season limit (nuisance threshold of 30 ug/L with exceedence threshold of no greater than 25%) and less than or equal to 0.07 mg/L total phosphorus. These targets were identified based on site-specific information from riverine reaches of the mainstem Snake River.</p> <p>2. Natural background concentrations were assessed for the mainstem Snake River in the loading analysis and have been incorporated in the SBA. The data available include concentration information at and immediately downstream of the geologic deposits mentioned. These data do not support the conclusion that natural geologic sources represent a primary source of total phosphorus loading to the SR-HC TMDL reach.</p> <p>3. We disagree. See response to comment #63bb, part 2. This topic is discussed in detail in the nutrient loading analysis in the SR-HC TMDL.</p>

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						<p>concentrations equaled or exceeded 0.01 mg/L over the whole length of the Snake River. The report states that even though 0.05 mg/L was at the time considered the theoretical algal-limiting concentration, "a dissolved phosphorus concentration of 0.01 mg/L is compatible with nuisance quantities of algae", and this concentration was, before 1974, found throughout the length of the Snake River. If such conditions existed before 1974 and the Snake River was extraordinarily productive at that time due largely to background concentrations of phosphorus, how can the target concentrations be considered relevant.</p> <p>3. (#426) There is no evidence in the Snake River - in fact, there is substantial evidence to the contrary - that the target concentrations will be effective in controlling vegetation growth. There is good evidence that nutrient concentrations would have to be lowered below the historical background concentrations to be effective, and such concentrations cannot be achieved in this system without controlling the geological sources of phosphorus in the basin. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	
63dd.				Irrig	TMDL	Representatives of Idaho water users reserve the right to raise additional concerns as [they] continue to review this and all future draft SR-HC SBAs. Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The opportunity for comment will continue as part of both the PAT and public process throughout the remaining SR-HC TMDL process and within the iterative SR-HC TMDL process. Public participation is welcomed.
63ee.				Irrig	TMDL	Representatives of Idaho water users "are extremely disappointed in the manner in which the PAT process is being conducted by the agencies. As previously mentioned, PAT members have not been given adequate information, time, or opportunity during the PAT meetings to freely discuss and consider the complex issues raised by this proposed TMDL. The DEQs have made most of the critical determinations, particularly the choice of water quality standards or	While the PAT is an advisory body to the DEQs, the responsibility for authoring a TMDL document that will meet water quality criteria and support designated beneficial uses lies with the DEQs. The DEQs have and will continue to include the PAT in the decision making process to the extent possible. Technical discussions have been scheduled outside of regular PAT meeting times to allow greater detail of discussion to occur.

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						<p>“targets,” without the involvement of the PAT. The “criteria stringency analysis” supporting the DEQ’s “creative approach” to choosing criteria or targets for the SR-HC reach has not been provided to the PAT, even though this document is to be attached as an appendix to the SBA when it is issued for public review. This was promised some time ago. None of the appendices and many of the critical figures summarizing data that are to be included in the SBA have been provided to PAT members.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association</p>	At the time of this comment, completion of the report on the criteria stringency analysis by a IDEQ contractor had been delayed due to technical difficulties. It was made available to PAT members as soon as it was completed (early 2001). All other figures and appendices were available for PAT review prior to the public comment period on the SR-HC TMDL. Please see response to comment #63g.
63ff.				Irrig	TMDL	<p>1. Representatives of Idaho water users commented: “Since the agencies did not have adequate information to list the SR-HC segments as water quality limited and require a TMDL, a thorough assessment of the water quality conditions of these segments, with full and fair opportunity for stakeholder participation, is critically important. Unfortunately, such an assessment is not being performed through this process. Rather, the DEQs have expected the PAT to concur with whatever assessment they provide. Just 8 months (8 meetings) after the PAT began its work, the DEQs provided a draft assessment to PAT members for final comment and approval. After several demands for more time and the presentation of significant comments, concerns and issues (a minimum of 450 by the DEQs last count) the DEQs allowed PAT members until the February meeting for a final review of the document.</p> <p>2. Most PAT members had not even seen the revised PAT document (nearly 200 pages and thoroughly rewritten since the last draft) by the time the meeting started, and the DEQs expected PAT members to review the document during the lunch hour and provide their final comments during the afternoon.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users</p>	<p>1. We disagree. In most cases data is available to support pollutant listings for the SR-HC reach. In the remaining cases, data is available to show that there is the potential for concern. The recommendation has been made to obtain more data in those cases where data was determined to be insufficient to assess attainment of water quality standards. During the initial meetings of the SR-HC PAT it was determined that the PAT would not operate under a consensus-based process. The potential for agreement on some issues and disagreement on other issues was acknowledged by SR-HC PAT members and agency representatives at this time. The seatholders and the interagency team members (ODEQ and IDEQ) decided that there should be an opportunity for the submission (formally or informally) to the public record of opinions different from that of the SR-HC PAT in general, or to the approach, philosophy or methodology used by the DEQs in the formulation of the SR-HC TMDL. In accordance with this decision, an informal record of differences in opinion on issues discussed is available to the public in the minutes from SR-HC PAT meetings, and in the listing of informal comments by SR-HC PAT members on initial drafts of the SR-HC Sub-Basin Assessment (and other sections of the SR-HC TMDL</p>

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						Association	document as they become available) compiled by the DEQs. Due to concerns voiced by PAT members regarding time constraints, the initial schedule for the SR-HC TMDL was revised to allow for an additional month for PAT members to review and comment on the draft SBA. 2. We disagree with the statement that the PAT members were required to review the SBA during the lunch hour. The DEQs offered to schedule an additional meeting two weeks after the February PAT meeting to allow more time for review. The general consensus of the PAT members at that time was that a review of the major changes to the document, and the opportunity to review specific changes over the lunch hour would be sufficient given the fact that comments could be submitted by PAT members during the public comment period.
63gg.				Irrig	TMDL	Representatives of Idaho water users commented: “It appears to [representatives of Idaho water users] ... that the DEQs either made the critical determinations in this proposed TMDL prior to the PAT being formed, or are making those determinations outside the PAT process without real PAT consultation or participation. We have learned, for example, that the DEQs determined long ago that this TMDL would seek a 30% to 50% reduction in phosphorus loadings to the Brownlee Reservoir. Using the good faith participation of PAT members to justify the foregone conclusions of the DEQs is unacceptable.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	No determinations of loading, targets, or allocation strategy were arrived at prior to the establishment of the SR-HC PAT. As has been stated many times by the DEQs in a variety of forums, including the PAT meetings, the use of a 30 to 50% reduction in phosphorus loading to Brownlee Reservoir was not an official statement by IDEQ or ODEQ. No official load reductions or load allocations had been determined as of receipt of this comment. The loading analysis for the SR-HC reach has identified appropriate reductions to point and nonpoint sources based on an allocation approach proposed by PAT members.
63hh.				Irrig	TMDL	Representatives of Idaho water users commented: “The new SBA states that the objective is the SR-HC TMDL is “to restore good water quality conditions in the SR-HC watershed.” This watershed is defined as all the Snake River drainages, encompassing 73,000 square miles. The DEQs do not have sufficient legal authority or information to address water quality in such a large area through one TMDL. The new scope	The definition of the Snake River Watershed in the SBA is included for clarification purposes only. The SBA clearly states that the SR-HC reach includes the Snake River from the Oregon/Idaho border (Snake River mile (RM) 409) to immediately upstream of the inflow of the Salmon River (RM 188) (HUCs 17050115, 17050201 and 17060101, and a small corner of 17050103). It

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						of this TMDL, expanded from the original scope of the Brownlee Reservoir, can be used to override the efforts of stakeholders and the WAGs in every other watershed.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	also clearly states that this area comprises approximately 2,500 square miles of land immediately adjacent to the river. The SR-HC TMDL expressly and repeatedly recognizes that the tributary load allocations will be distributed through existing or future tributary TMDL processes. Public input will be solicited as part of these processes.
63ii.				Irrig	TMDL	<p>1. “[Representatives of Idaho water users] appreciate the inclusion of language indicating that there will be a phased approach to implementation of the SR-HC TMDL, even though environmental groups participating in the PAT process have stated that even using the term phasing in the SBA is unacceptable to them. However, the discussion of phasing should acknowledge the concern of many PAT members that there is currently a high degree of uncertainty, and insufficient time to properly evaluate the status of designated uses in the SR-HC, allegations of water quality impairment, water quality trends, and causes of alleged impairment, to name just a few issues. The editorial revisions of the SBA have not resolved these fundamental issues.</p> <p>2. Given the myriad uncertainties and unresolved issues in this TMDL, we urge the agencies to utilize a phased approach to setting targets and load allocations, as well as phasing in the implementation of such targets and allocations over time. The DEQs have advised PAT members that they will use a “conservative” approach to setting targets and load reductions for the SR-HC TMDL. This means that, in the face of uncertainty, the DEQs will impose more restrictive load reduction requirements. This type of approach in the Lower Boise TMDL resulted in load reductions for bacteria being set at 90% to 100%. No one has yet provided any idea of how these targets can be accomplished, short of relocating the populations of Ada and Canyon counties. The problem is that it will likely be very difficult to revise targets and load allocations in a more reasonable direction after the TMDL is approved by EPA. Providing a long time to implement a plan to</p>	<p>1. We appreciate your support of the phased SR-HC TMDL process.</p> <p>2. It is the responsibility of both the DEQs and EPA to set targets within TMDLs that will allow water bodies to meet water quality standards. The iterative SR-HC TMDL process will allow the review and, if appropriate, the revision of these targets as our understanding of the systems improves.</p>

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						accomplish objectives that are at best extremely costly to achieve, and at worst impossible to achieve, does not ameliorate the problems inherent in the DEQs' "conservative" approach." Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63jj.				Irrig	TMDL	Representatives of Idaho water users, "[on] numerous occasions and in...prior comments, ...have advised the DEQs that ... applying Oregon water quality standards or entirely new standards to Idaho waters usurps Idaho water quality standards, the mandatory process for adopting those standards, and the prerogatives of the Idaho legislature. The DEQs response is to simply call the new "standards and criteria" they are applying to the SR-HC reach "targets." It is well documented in the PAT minutes and by PAT members that the DEQs are applying new, Oregon water quality standards to Idaho waters. As IDEQ has admitted in PAT meetings, the DEQs have no authority to do this through the TMDL process. We are still waiting for the "stringency analysis" that is the basis for application of new standards, and the "formal legal opinion" which is being prepared to justify this approach in response to our comments." Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The water quality targets identified in the draft SR-HC SBA, and the final targets identified in the SR-HC TMDL are not water quality standards, they are water quality targets. It is the position of the DEQs and EPA that the states have the authority to set targets within the SR-HC TMDL process to meet water quality standards. Because of the bi-state nature of the SR-HC TMDL, and the fact that the Snake River from RM 409 to RM 188 is an interstate water body with the state boundary line described as the center line of the river, water quality standards and particularly water quality criteria for both Oregon and Idaho must be attained. Because the state line between Oregon and Idaho is in the middle of the mainstem Snake River, the waters of both states are mixed mid-river. Therefore waters from both sides must meet the criteria of both states in the mainstem. There is a precedent set by the Dioxin TMDL for the Columbia to use the most stringent standards. In addition, in the Coeur d'Alene TMDL, waste load allocations were set to ensure that downstream water-quality criteria would be met. The US Supreme Court ruling in Arkansas v. Oklahoma provided that EPA has the authority to require discharges from NPDES permitted facilities comply with downstream standards. The CWA regulations also require that state water quality standards provide for the attainment and maintenance of the water quality standards of downstream waters. The SR-HC TMDL does not apply Idaho standards to Oregon or v/v per se, rather, the identified targets ensure that, at the border where the two states' waters meet, both

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							state's standards will be met, thus fulfilling the requirements of the Clean Water Act and the TMDL process.
63kk.				Irrig	Hg	Representatives of Idaho water users commented that: "The ostensible reason for the mercury listings are fish advisories for human consumption. We have learned that, in Idaho, these advisories were based data collected during 1994 and 1995, and that they remain in place because of DEQ's determination that the sources of mercury impacting the fish are natural formations, particularly in the Owyhee River watershed. This same information should be used as soon as possible to prepare a Use Attainability Analysis for mercury. There is absolutely no basis for a mercury TMDL." Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The loading analysis and data review showed that there is cause for concern but that sufficient data are not available currently to assess loading. Thus, data collection has been recommended. Use attainability assessment and the delisting process are separate from the SR-HC TMDL process and cannot be accomplished within this document. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
63ll.				Irrig	N	"Representatives of Idaho water users commented that: "The SBA continues to effectively ignore the substantial information we have provided, including the findings in EPA's 1974 Water Quality Inventory report to Congress, that natural background concentrations of phosphorus are sufficient to cause maximum aquatic and algae growth in the Snake River. These findings, and the comments of Dr. Armstrong on this point, should be discussed in the SBA. At a minimum, we request that this information be included in comment matrix, or otherwise provided to the public for consideration with the SBA. The implication of this information is that the hundreds of millions of dollars that may be spent reducing nutrient inputs to Brownlee Reservoir will produce little or no improvement in water quality. The DEQs cannot withhold this information from the public for consideration in this process." Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	Data from the 1974 EPA Water Quality Inventory have been incorporated into the draft SR-HC SBA. It has also been acknowledged that due to anthropogenic sources, and natural and background concentrations of phosphorus, excessive levels of algal growth occur in the SR-HC reach. Please see response to comment #63cc, part 2. Additionally, the body of literature available shows that reductions in nutrient loading can have very positive effects on water quality. It is the position of the DEQs and EPA that water quality in the SR-HC reach can benefit from implementation of nutrient reduction projects and programs.
63mm.				Irrig	TMDL	"Representatives of Idaho water users commented	Please see response to comment #63r.

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						that: “The SBA continues to be based primarily in speculation about the potential effects of “pollutants,” as discussed in our prior comments. As we previously discussed, this type of information does not satisfy the standards for performing water body assessments established in federal and state law.” Submitted 13 April 2001 by reference by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	
63nn.				Irrig	T	In addition to the comments we have submitted previously, we are also concerned about the SBA’s “assumption” that salmonid spawning and cold water biota uses are occurring in the “mouths” of the tributaries. The salmonid spawning assumption is not supported by any evidence that this use actually occurs in these areas, and contradicts the available data. For example, the SBA correctly finds that salmonids do not spawn in the mainstem Snake River. Salmonid spawning is not a designated use for the Boise River below Caldwell. In the SBA for the Lower Boise River TMDL, IDEQ concluded that, due to natural heat inputs, water temperatures in the lower part of the river naturally exceed the state’s criteria for salmonid spawning and cold water biota during much of the year. How then can the mouth of the Boise River support this use if none of the water surrounding this area supports it? The SBA fails to define what area comprises the “mouth” of any tributary. For these reasons, we request that you provide us with a specific definition of the mouth area of each Snake River tributary involved in the SR-HC TMDL, and all information supporting the assumption that salmonid spawning and any other presumed aquatic life use occurs in these areas. submitted 13 April 2001 by Public Advisory Team (PAT) member Mark Limbaugh, representing water users on the Payette River, and Daniel Steenson, representing the Idaho Water Users Association	The salmonid spawning use has been removed by the State of Idaho but this action has not yet been approved by US EPA. Oregon has designated the salmonid rearing use to apply to the mainstem Snake River in the SR-HC TMDL reach and salmonid spawning use to apply to those tributaries so designated. These changes have been recognized in the SR-HC TMDL document.
63	Neal E	Armstrong	Idaho Water Users Association (Submitted in addition to	Irrig	N	1. The SR-HC study area is being treated as if it were largely isolated form the Snake River upstream, but the upstream area is THE forcing function for the	1. We appreciate the flow information described in this section and feel that it will provide a good framework for understanding to include in the SR-

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
			the previous comments)			<p>study area.</p> <p>2. Water clarity and color changes in the Snake River downstream of Swan Falls Reservoir occur due to natural riverine erosion processes.</p> <p>3. The chlorophyll concentrations in the Snake River below Swan Falls Reservoir cannot be assumed to be a surrogate of algae alone.</p> <p>4. The phosphorus background concentration of 0.02 mg/L, the reference concentrations, and the target concentration of 0.07 mg/L are fatally flawed and need to be re-evaluated.</p> <p>5. Water quality modeling studies show that unattainable total phosphorous concentrations substantially below the 0.07 mg/L would have to be achieved in the Upper Snake River segment.</p> <p>6. The sediment water quality target is still defined much more conservatively than that set for the Lower Boise River, which was defined based on very conservative literature data, producing unnecessarily conservative allowable loadings.</p>	<p>HC TMDL document.</p> <p>2. We acknowledge that a portion of the loading to the Snake River in this reach is due to natural riverine erosion processes. However, the total load resulting in the observed change in color and clarity cannot be assigned to these natural riverine erosive processes. Additionally, given the extensive development in the upstream Snake River segment, it is our opinion that the productivity of the Upstream segment (RM 409 to 335) has been substantially altered.</p> <p>3. We agree. Without question, sloughed periphyton and entrained plant materials contribute to the organic loading in the Snake River. Methods used for measurement of chlorophyll a correct for dead vs. living cells so data can distinguish living algae, scoured periphyton, and macrophyte chlorophyll a.</p> <p>4. The phosphorus background concentration of 0.02 mg/L, the reference concentrations, and the target concentration of 0.07 mg/L were arrived at in a sound and scientific manner using the relationship between phosphorus and chlorophyll a developed from data collected within the Snake River system. Chlorophyll a concentrations correlated with the identified target demonstrate levels that are both protective of aquatic life and recreation/aesthetic uses. The nutrient load analysis section has been rewritten to clarify the process that was followed and make the assessment easier to follow.</p> <p>5. Our interpretation of Dr. Armstrong's comments are that the goal identified as requiring "unattainable total phosphorous concentrations substantially below the 0.07 mg/L....to be achieved in the Upper Snake River segment" is that of oligatrophic waters. This is not the goal of the SR-HC TMDL. This SR-HC TMDL seeks to support designated beneficial uses through attainment of t water quality criteria. Calculation modeling by the DEQs and water quality modeling studies using CE-QWAL-W2 show that sufficient</p>

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							<p>improvements in dissolved oxygen are realized through reduced organic loading when total phosphorus concentrations of 0.07 mg/L are attained. We feel that the projected water quality improvements are attainable given the current targets. The phased approach of the SR-HC TMDL will allow further refinement of these targets as more data is collected and our understanding of the system improves.</p> <p>6. We agree with Dr. Armstrong's concerns. This target was established to recognize the runoff events that occur with spring flow and are largely out of the range of management practices. The sediment water quality target has been modified to reflect the language specified in the Lower Boise River TMDL written by IDEQ.</p>
63	Mark	Limbaugh	Idaho Water Users Association	Irrig		Co-signature to comments from Daniel Steenson (#63). Includes previous comments from other entities submitted during the TMDL process and comments submitted to the Idaho legislature (#63a through #63nn), as well as new comments from Dr. Armstrong (#63 Neal Armstrong above).	Please see response to comments from Daniel Steenson and Neal Armstrong (#63, above)
63	Mark	Limbaugh	PAT Idaho Other Interests Representative)	PAT		Comments submitted are those submitted on behalf of the Idaho Water Users Association (#63 above). Includes previous comments from other entities submitted during the TMDL process and comments submitted to the Idaho legislature (#63a through #63nn), as well as new comments from Dr. Armstrong (#63 Neal Armstrong above).	Please see response to comments from Daniel Steenson and Neal Armstrong (#63, above)
63	Charles L	Honsinger	Ringert Clark Chartered in behalf of the Idaho Water Users Association	Irrig		Co-signature to comments from Daniel Steenson (#63). Includes previous comments from other entities submitted during the TMDL process and comments submitted to the Idaho legislature (#63a through #63nn), as well as new comments from Dr. Armstrong (#63 Neal Armstrong above).	Please see response to comments from Daniel Steenson and Neal Armstrong (#63, above)
63	S. Bryce	Farris	Ringert Clark Chartered in behalf of the Idaho Water Users Association	Irrig		Co-signature to comments from Daniel Steenson (#63). Includes previous comments from other entities submitted during the TMDL process and comments submitted to the Idaho legislature (#63a through #63nn), as well as new comments from Dr. Armstrong (#63 Neal Armstrong above).	Please see response to comments from Daniel Steenson and Neal Armstrong (#63, above)
64a	Gary	Bahr	Idaho Department of	Agency	Hg	1. Seed treatment mercury should be removed as a	1. The statement does not say that residual

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
			Agriculture, Division of Agricultural Resources			<p>potential source as no loading has been identified.</p> <p>2. Mercury problems are due mainly to mining and natural sources.</p> <p>3. Point source/legacy cleanup should be highest priority.</p> <p>4. Expressed concerns about the level of data support for the discussion of seed treatment related mercury. EPA FIFRA may be a source of information on this subject.</p> <p>5. Load should be calculated for moderate to high sources of mercury.</p> <p>6. Text does not provide adequate information on regulatory or cleanup efforts.</p> <p>7. Does DEQ propose to assess river and reservoir bed sediments for mercury?</p> <p>8. References to reductions in mercury loading due to discontinuance of seed treatments and improvements in mining practices should be removed or clarified to give a better sense of relative proportion.</p> <p>9. What is the status of the current mercury loading?</p> <p>10. It appears that little will be done to address natural or legacy mining sources. We suggest that the DEQs rethink this.</p> <p>11. How will improvement in seed treatment sources be measured?</p> <p>12. Nonpoint source mercury should be dropped from reduction efforts and only monitoring required.</p>	<p>mercury in agricultural soils <u>is</u> contributing to loading, it says it <u>may be</u> contributing. Potential loading is acknowledged as minimal. In order to be conservative, we cannot ignore a potential source unless there is data that shows it is not a concern. If this data were available, we would appreciate a citation of the data source so it can be reviewed.</p> <p>2. We agree. The SR-HC SBA and mercury loading analysis specifically recognize this.</p> <p>3. Legacy mining is identified as the highest priority. Point sources are not identified as a primary source of loading at this time.</p> <p>4. Thank you for your suggestion of a data source.</p> <p>5. Where insufficient data is available, loads cannot be calculated. Therefore, relative levels of loading were estimated from the information available.</p> <p>6. Implementation measures will be discussed in detail in the implementation plans prepared within 18 months of the approval of the SR-HC TMDL.</p> <p>7. Not at this time. The most pressing data gap is water column concentration data. That will be the first priority.</p> <p>8. Clarification has been made.</p> <p>9. As stated in the SR-HC SBA and mercury loading analysis document, loading cannot be calculated at this time due to lack of water column data. Loading will be calculated when water column data has been collected.</p> <p>10. This is incorrect. As recognized above, legacy mining is the highest priority for implementation. Natural sources will not be required to reduce.</p> <p>11. Please see response to comments from Larry Heidbrink (#31c, part 2). Progress made will be measured as a function of stewardship and appropriate management practices. The SR-HC TMDL specifically states that nonpoint source pesticide monitoring will not be required.</p> <p>12. Legacy mining is considered a nonpoint</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
							source. It would be irresponsible to allow this to be dropped from required reduction efforts. Please see response to comments from Larry Heidbrink (#31c, part 2). The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
64b	Gary	Bahr	Idaho Department of Agriculture, Division of Agricultural Resources	Agency	N	<p>1. The total phosphorus target should be evaluated for attainability and appropriateness. A cost benefit analysis should be conducted for this target.</p> <p>2. Requested clarification on the discussion of work done in the Blackfoot River area.</p> <p>3. Stated that values below the detection limit should be assigned a value of half the detection limit.</p> <p>4. Offered some considerations regarding when the N:P ratio may be less of an indicator, suggested that more detailed maps of the area would be helpful in understanding the system, and suggested that differences may be due to the relative number of data points available.</p> <p>5. Reservoir management and structural influences should be considered in the TMDL.</p> <p>We suggest a winter study to determine if a winter algae load may be occurring and not well documented.</p> <p>6. Supporting information is not adequate to identify a seasonal target.</p> <p>7. A year round assessment of nutrient dynamics in the system should be completed.</p> <p>8. A seasonal target will place the burden on summertime sources. Pollution discharged in the winter is still pollution.</p> <p>9. Will the point sources pay agriculture to reduce?</p> <p>10. The document is not complete as to what point source discharges will be required to do.</p>	<p>1. Please see responses to comments from Carl Hill (#22a, part 3) and Roger Findley (#27a). A cost benefit analysis can be included in the implementation plan.</p> <p>2. This section has been rewritten for further clarification.</p> <p>3. Comment noted.</p> <p>4. The information presented is appreciated and has been considered in the revision of the document.</p> <p>5. Reservoir management and structural influences were considered in the SR-HC TMDL to the extent possible. Winter algal loads were assessed as part of the nutrient/algae loading analysis.</p> <p>6. We disagree. However, we will continue to collect data and will revise the SR-HC TMDL if the seasonal target is shown to be inadequate.</p> <p>7. Year-round assessment of nutrient dynamics was included to the extent possible in the loading analysis. Summer loading was shown to be excessive.</p> <p>8. We disagree. If the total phosphorus target were applied year round, agriculture would still have to reduce the loading for which they are responsible. Targets would have to be met in the summer months to the same degree as the draft SR-HC TMDL currently identifies. A year round target would not result in a lower reduction requirement for agriculture. Because the target is based on limiting algae growth, other conditions such as light intensity, water temperature, phosphorus form, flow velocity, and residence</p>

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							<p>time play a role. Pollution discharged in the winter is still pollution, but may not result in the same level of detrimental effect as pollution discharged in the summer time.</p> <p>9. Pollutant trading represents a way that point sources could potentially pay agriculture to reduce.</p> <p>10. The document states that reductions equivalent to biological removal will be required of the mechanical plants discharging to the Snake River. This represents an 80% reduction in loading, similar to or greater than the reductions required of nonpoint sources.</p>
64c	Gary	Bahr	Idaho Department of Agriculture, Division of Agricultural Resources	Agency	Pst	<p>1. Expressed concerns regarding the pesticide listing status, small available data set, identification of potential sources and TMDL protocols.</p> <p>2. Expressed concern that this action is unnecessary given the lack of data available. System should be better studied and then action taken if warranted.</p> <p>3. More data should be collected before implementation actions are mandated.</p> <p>4. Other DDT watershed studies should be researched. Agricultural agencies should be consulted on monitoring, implementation, assessment, data review and other pertinent subjects.</p> <p>5. If water bodies continue to be listed, we recommend degradation modeling for pesticides listed in this TMDL.</p>	<p>1. Water quality standards exist for the pesticides of concern, guidance on fish tissue concentrations exists, and there is a demonstrated concern that shows water quality violations of exceedence or an action limit, it would be irresponsible not to take some action to address the problem.</p> <p>2-3. Both water column and fish tissue targets are being applied in the SR-HC TMDL. The SR-HC TMDL acknowledges the need for additional water column data and identifies this as a data gap. Water column data will be collected during the first 5 year phase of the SR-HC TMDL. The exceedences observed indicate that pesticide levels are of concern for chronic exposure. Therefore, to delay action until the collection of water column data was complete would be irresponsible. Additionally, as control mechanisms for agriculture to reduce pesticide transport will consist only of those mechanisms needed to control sediment , no further controls on agriculture, specific to pesticides, other than good stewardship practices are indicated at this time. These management practices are not limited to agricultural lands, and should be in place regardless of whether or not there is a concern for legacy pollutant transport. The SR-HC TMDL specifically identifies monitoring to fill data gaps as a priority goal, however, it is not a reason to delay doing what is reasonable.</p>

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							4. Other DDT TMDL processes were researched as part of this effort. We welcome your experience and participation in this effort. 5. We would appreciate your assistance in such an effort.
64d	Gary	Bahr	Idaho Department of Agriculture, Division of Agricultural Resources	Agency	O	1. We recommend that the TMDL contain an assessment of the options available for altering reservoir functions. 2. We recommend that DEQ assess human waste components from septic systems and other related systems.	1. This is outside the scope of the SR-HC TMDL. 2. If there are data available on this subject, we would appreciate the opportunity to review it.
64e	Gary	Bahr	Idaho Department of Agriculture, Division of Agricultural Resources	Agency	I	The Department of Agriculture has statutory authority to regulate and implement many programs other than aquaculture.	We recognize the varied and valuable role that the Department of Agriculture serves in the State of Idaho. This reference deals specifically with water quality law designations of responsibilities and is a direct quote of the cited reference.
65a	Robert	Braun	Heinz Frozen Food Company	Indust	TMDL	1. Supportive of a phased, adaptive-management based approach. 2. Supportive of realistic time frames for implementation. 3. Supportive of use refinement process to accommodate the “disparity between current standards and sound science”. 4. Supportive of a trading process modeled after that in the Lower Boise River with accommodation for watershed to watershed, point to point, point to nonpoint trading. 5. A long term monitoring plan should be developed. 6. A long term collaborative process between Oregon and Idaho is essential. 7. Supportive of the allocation framework developed by stakeholders. 8. Supportive of additional data collection, and ongoing review and refinement of targets. 9. Background needs to be defined in the TMDL so that the decision is not left to permit writers. 10. The TMDL and implementation plans should contain specific instructions about duration, critical season, averaging periods and related issues.	1. We appreciate your support and look forward to your participation in the process. 2. We appreciate your support. 3. Please see response to comments from Tom Dupuis (#56). 4. The SR-HC TMDL and DEQs are supportive of a trading process for the SR-HC TMDL reach. IDEQ and ODEQ are both currently working to assess the needs of a trading process for the SR-HC TMDL reach. Contractors currently assisting the Lower Boise River trading process have been tasked with providing an assessment of trading possibilities for the SR-HC to the DEQs. 5. We agree. The effectiveness of the monitoring plan, however, will depend on available resources. 6. We agree. The DEQs support a bi-state, long term collaborative process. The ability and extent of each state to participate with follow-up activities to the SR-HC TMDL will depend upon available resources. 7. We appreciate your support and the efforts of the stakeholders who worked to develop this allocation mechanism. 8. We appreciate your support. 9. The loading analysis and load allocation

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							sections have been written to address this concern. 10. Clarifying text is being added to the SR-HC TMDL, It is our intent that this information will be included in the site-specific implementation plans as appropriate.
65b	Robert	Braun	Heinz Frozen Food Company	Indust	\$	The implementation process must consider economic issues such as market conditions, equitable load allocations between point and nonpoint sources, recognition that is money is not available for nonpoint source implementation the overall responsibility cannot be placed on the point sources, recognition that point source reductions will be inconsequential without nonpoint source reductions.	The implementation process will consider economic issues to the extent possible in the setting of timelines for achieving the SR-HC TMDL. We agree that failure of nonpoint source reductions should not become the responsibility of the point sources.
65c	Robert	Braun	Heinz Frozen Food Company	Indust	Hg	The mercury TMDL may not be necessary, more monitoring is necessary. Pollution prevention approaches are appropriate.	We agree. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
65d	Robert	Braun	Heinz Frozen Food Company	Indust	N	1. Biological nutrient removal may not result in the same level of reduction for all dischargers. Regulatory exceptions and alternative limits should be defined and allowed in the TMDL. 2. Supportive of the 6.5 dissolved oxygen target.. 3. There is an error in the load allocation to Heinz in Table 3.2.3a. The value of 276 kg/day should be 329 kg/day.	1. The intent of the waste load allocation is to achieve a reduction equivalent to that realized from biological nutrient removal (~80%). Additional text has been added to the nutrient load allocation section to clarify that appropriate methods other than BNR, resulting in an equivalent reduction, will be acceptable under the current load allocation scenario. The site-specific equivalency to biological nutrient removal will be refined through the facilities planning process. 2. We appreciate your support. 3. This has been corrected.
65e	Robert	Braun	Heinz Frozen Food Company	Indust	S	Sediment TMDL may not be necessary. Allocations should acknowledge permit levels and include a 20-year reserve for growth.	It is the opinion of the DEQs that a sediment TMDL is necessary. We appreciate the suggestions on permit limits and reserve capacity. The SR-HC TMDL acknowledged that point source TSS loading represents a miniscule portion of the whole TSS load. In recognition of this fact, all permitted point sources that discharge directly to the Snake within the SR-HC TMDL have been assigned load allocations at the current NPDES permitted discharge levels for sediment. No reduction of point source TSS is required by

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						the draft SR-HC TMDL.
65f	Robert	Braun	Heinz Frozen Food Company	Indust	T	Temperature targets are inappropriate because designated beneficial uses are incorrect.
66	Ralph	Browning	Wallowa-Whitman National Forest	PAT	N	Stated that recent air quality monitoring in the SR-HC TMDL reach in the Hells Canyon Complex identified nitrogen deposition, and, to a lesser degree, sulfur and phosphorus deposition. Questioned whether nutrient declines through the Hells Canyon Complex were accounted for by sedimentation or if volatile forms may be released into the air as a product of anaerobic decomposition. Given this framework, questioned why the TMDL does not call for adequate monitoring of nitrogen within the Snake River system. Discussed risks due to excessive nitrogen levels in the form of total ammonia. Recommended that biweekly measurement of nitrogen, ammonia, phosphorus and algae be added.
66	Ralph	Browning	PAT Oregon Forestry Interests Representative	PAT	N	Comments submitted are those submitted on behalf of the Wallowa-Whitman National Forest (above).
67	Art	Correia	Weiser River Watershed Advisory Group	WAG	TMDL	<p>1. Language should be added to develop rational for support of the phased TMDL process.</p> <p>2. The final TMDL should include authorization to trade.</p> <p>3. Supportive of use refinement for designated beneficial uses.</p> <p>4. The mercury TMDL must identify the need for a refined regulatory approach. Collection of a more robust set of appropriate data is critical, as is the development of a control strategy for mercury.</p> <p>5. Natural background temperature should be identified in the TMDL. Use designations should be consistent. Natural background should be used when calculated the no measurable increase, not the 17.8 °C criteria.</p> <p>6. The sediment TMDL should clearly outline the</p>

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						<p>rationale and details for calculation of the narrative standard.</p> <p>7. A shorter TMDL would be more likely to be read by stakeholders.</p> <p>8. Agencies responsible for monitoring to fill data gaps should be identified, as should analytical methodology.</p> <p>9. We suggest that DEQ adopt attainable targets at the beginning of the process.</p> <p>10. Requested that the Weiser River WAG be included in the periodic review of the SR-HC TMDL.</p>	<p>not calculated. The reasoning behind the numeric target is identified in the SR-HC TMDL.</p> <p>7. We are working to reduce redundancy in the document.</p> <p>8. This will be completed as part of the site-specific implementation plans completed within 18 months of the approval of the SR-HC TMDL</p> <p>9. It is the opinion of the DEQs that the identified targets are attainable. Please see response to comments from Carl Hill (#22a, part 1).</p> <p>10. We welcome your participation.</p>
68a	James B	Desmond	Owyhee County Natural Resources Committee	Ag	TMDL	<p>1. Supports the review of the draft TMDL by Dr. Neal Armstrong.</p> <p>2. Owyhee County is committed to proper natural resources management based on reasonable management practices.</p> <p>3. Believe the TMDL is not based on sound scientific analysis and will seriously and adversely affect the custom, culture, and economic stability of Owyhee County.</p> <p>4. The data which has been incorrectly presented will lead to lawsuits filed by environmental groups pursuing a coordinated attack against agriculture in the West.</p> <p>5. Urbanization is occurring only in Idaho, no similar population growth has been identified in Oregon.</p> <p>6. The recreational economy of the greater Boise metro area does not contribute to the economy of Owyhee County. In fact, it actually costs the County more for services provided than it contributes.</p> <p>7. The draft ignores the true nature of the Snake River, which is a “working river”.</p>	<p>1. Comment noted.</p> <p>2. We support and appreciate this commitment to water quality.</p> <p>3. It is the opinion of the DEQs that SR-HC TMDL targets and goals have been set based on sound scientific principals. It is the expectation of the DEQs that the social, cultural and economic costs of the SR-HC TMDL will be better defined in the site specific implementation plans.</p> <p>4. The adaptive management plan included in the SR-HC TMDL states that if agricultural land owners are in compliance with 1010 management plans, they are in compliance with the SR-HC TMDL.</p> <p>5. We appreciate this information. It has been incorporated into the SR-HC TMDL.</p> <p>6. We appreciate this information. It has been incorporated into the SR-HC TMDL.</p> <p>7. The SR-HC TMDL expressly recognizes the managed condition of the Snake River and its critical role in the economy of the Snake River Basin.</p>
68b	James B	Desmond	Owyhee County Natural Resources Committee	Ag	N	<p>1. The TMDL ignores evidence that the Snake River has always been a biologically productive system and arbitrarily sets unattainable goals. Referenced the Lewis and Clark citation of a “beautiful pea green color”.</p> <p>2. Natural levels of phosphorus are higher than the targets.</p> <p>3. Targets present a threat to grazing operators already under attack from environmental groups.</p>	<p>1. The DEQs do not see this as evidence that the Snake has “always been a biologically productive river”. This is a single observation and no mechanism for determining whether this observation is representative of the system. SR-HC TMDL targets and goals have been set based on sound scientific principals. Please see response to comments from Roger Findley (#27a, part 1).</p>

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							2. Please see response to comments from Carl Hill (#22a, part 1). 3. The adaptive management plan included in the SR-HC TMDL states that if agricultural land owners are in compliance with 1010 management plans, they are in compliance with the SR-HC TMDL.
68c	James B	Desmond	Owyhee County Natural Resources Committee	Ag	Hg	1. Non-supportive of the TMDL mercury approach. 2. The approach ignores naturally occurring mercury deposits in the river basin.	1. Comment noted. 2. The SR-HC SBA and mercury loading analysis expressly recognize natural loading as the primary source for mercury in the SR-HC TMDL reach. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
68d	James B	Desmond	Owyhee County Natural Resources Committee	Ag	T	1. IDEQ has already determined that temperature standards set for some waters in the state have been set excessively low. 2. While temperature is not specifically addressed as an issue, the potential for requiring reductions on the tributaries in order to control the tributaries' contribution to the Snake River would be arbitrary and unrealistic.	1. Information on what waters were being referred to is necessary before we can respond fully to this statement 2. Tributary temperature assessments are required by the SR-HC TMDL in order to better define mainstem loading. Data collected will be reviewed and incorporated into the SR-HC TMDL as appropriate. If necessary, load allocations will be updated to reflect this information.
68e	James B	Desmond	Owyhee County Natural Resources Committee	Ag	\$	The TMDL has the potential to destroy the economy of Owyhee County.	Please see response to comments from Lou Wettstein (#26).
69a	Robbin	Finch	Boise City Public Works	Muni	TMDL	1. Supportive of the TMDL program goals and requirements. 2. Supportive of the extended review period. 3. Strongly supportive of the Phased/Adaptive Management TMDL approach, Nutrient Allocation Method, implementation timeline, and other TMDL findings and recommendations. 4. Supportive of phased TMDL process. Recommended language to support phased process be added to the document 5. Strong support for fair and equitable allocations, recommend that additional language be added to evaluate at least three allocation methods and a rationale to support the recommended approach. 6. Strong support for trading as a tool for cost-	1. Thank you for your support. 2. Thank you for your support. We look forward to your participation in the process. 3. Thank you for your support. 4. The previous language has been augmented. 5. Thank you for your suggestion. It has been considered for inclusion in the SR-HC TMDL. 6. Trading is supported by the SR-HC TMDL and the DEQs. 7. With the exception of mercury, all TMDLs contain the required elements. There is no available water column mercury data so load and waste load allocations cannot be identified. These will be identified when the loading is characterized.

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						<p>effective implementation, recommend including an authorization to trade using the Lower Boise River Trading Framework with appropriate adjustments for Snake River-Hells Canyon TMDL</p> <p>7. Concerns over perceived lack of minimum TMDL requirements.</p> <p>8. The TMDL should contain language pertinent to setting NPDES permitting conditions.</p> <p>9. Critical conditions should be added to TMDL summaries.</p> <p>10. A more concise document would be easier to read.</p> <p>11. Recommendations were made to improve the Adaptive Management section.</p> <p>12. It would be helpful to have a detailed description of Upstream Snake River segment", "Snake River system" and "Brownlee Reservoir segment". River miles should be identified throughout the document.</p> <p>13. Expressed concern that the DEQs may be adopting numeric water quality standards or procedures for translating narrative standards to numeric criteria without complying with federal and state administrative requirements or utilizing recent EPA guidance for the development and adoption of nutrient criteria.</p>	<p>8. We agree, and appreciate the example table provided.</p> <p>9. Text has been clarified to provide clearer goals for permit writers.</p> <p>10. The document has been reviewed to remove duplication and reduce bulk.</p> <p>11. We appreciate these suggestions. They have been carefully considered in the context of the SR-HC TMDL.</p> <p>12. Text has been added to the document to clarify the segments. River miles have been added.</p> <p>13. This concern is misplaced. The targets identified for the SR-HC TMDL are applicable to the SR-HC TMDL only and do not represent an effort to circumvent administrative process.</p>
69b	Robbin	Finch	Boise City Public Works	Muni	T	<p>1. Supportive of the cool water dissolved oxygen target for the Snake River</p> <p>2. Dual targets for same waters (Brownlee Reservoir and the Snake above Brownlee have cold water temperature target and cool water dissolved oxygen target; both targets should be the same, cool water because they support the same aquatic life use.</p> <p>3. Expressed concerns regarding the nature of the temperature TMDL, if it is really a TMDL, if water quality targets are ever met, can we meet them given background loading, is this a use refinement issue.</p> <p>4. Recommended incorporation of Use Refinement findings. Voiced concerns about the chlorophyll a target.</p> <p>5. The draft TMDL document contains conflicting use designations (Idaho cold water aquatic life and Oregon cool water aquatic life).</p>	<p>1. Thank you for your support.</p> <p>2. The Oregon cool water dissolved oxygen criteria is intended to protect waters where salmonids are present but not the dominant species. The target is protective for dissolved oxygen for salmonids and other cold water species. Temperature criteria are specific to waters where salmonids are present regardless of whether or not they are the dominant species. Applying the cool water dissolved oxygen target does not change the designated use.</p> <p>3. There is a temperature TMDL. Targets to be met are those of no measurable anthropogenic increase (defined as less than 0.14°C). These temperatures are attainable in the SR-HC TMDL reach. We do not feel that this is a use refinement issue. Language has been added to the SR-HC</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>6. Voiced concern over cumulative temperature impacts analyses proposed for the tributaries.</p> <p>7. It is important to recognize the limitations of the segment as the result of flow and temperature, both of which are very difficult to control or affect, given the other drivers that also affect this system. In particular, it should be noted that higher temperatures are induced from low-flow conditions, and are not only "the result of natural atmospheric loading".</p>	<p>TMDL to clarify the targets.</p> <p>4. Please see response to comments from Tom Dupuis (#56). The chlorophyll a target identified is as 14 ug/L mean growing season concentration with a nuisance threshold of 30 ug/l. This is appropriate for cool waters. We do not feel that a 20 ug/l average chlorophyll a target will result in attainment of water quality standards or be protective of all designated beneficial uses.</p> <p>5. Please see response to comments from Rick Yzaguirre (#21a).</p> <p>6. We agree with the assessment of system complexity, however, the SR-HC TMDL had been written under current policy. The July 2000 TMDL Rules are not yet approved and the SR-HC TMDL (started before the final draft Rules were released) relies on the existing TMDL rules. The use of the no measurable increase temperature target allows the recognition of non-anthropogenic influences in the system. It is the opinion of the DEQs that this represents a common sense, site-specific approach to temperature concerns. Additional text on the no measurable increase temperature target has been added to the document for clarification. The background temperature identified as the target for the SR-HC TMDL is no measurable anthropogenic increase in temperature (defined as less than 0.14 °C). This value is <u>not</u> specific to the cold water aquatic life designated use.</p> <p>7. Further discussion of limitations based on low flow can be incorporated into the SR-HC TMDL. However, it is important to note that requirements for changes in flow are outside the scope of the SR-HC TMDL process.</p>
69c	Robbin	Finch	Boise City Public Works	Muni	Hg	<p>1. Expressed concerns regarding the nature of the mercury TMDL, is a TMDL appropriate, can water quality targets be met given air deposition, mining history, and natural geologic background.</p> <p>2. The TMDL does not address the overall, multi-media environmental effects of some of the proposed actions. These will be important considerations as</p>	<p>1. Additional data must be collected before load or wasteload allocations can be established. The further monitoring required by the SR-HC TMDL will aid in this assessment.</p> <p>2. We agree that these will be important in the site-specific implementation plans.</p> <p>3. We appreciate the submission of these</p>

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>implementation plans are further refined.</p> <p>3. The TMDL needs to address the following in regards to mercury: multi-media regulatory approach, revision of state standards, a phased TMDL approach, Savannah River approach, balanced characterization of fish tissue data (older data sets vs. more recent data), air deposition rate underestimation, incorporation of recent data and re-calculation of municipal load, overestimated improvement in methylmercury and biomagnification, major methylation sources not identified.</p> <p>4. The TMDL contains an error in load capacity.</p> <p>5. Additional information on mercury concentrations in wastewater treatment discharge was attached.</p>	<p>suggestions. They have been considered in the context of the SR-HC SBA and mercury loading analysis. The SR-HC TMDL must be written to current standards. Projected revisions in these standards are well recognized in the mercury loading analysis. Additional text has been added to reinforce the phased TMDL approach. The fish data collected recently is not representative of the previous data set. It is therefore the opinion of the DEQs that direct comparison of these data sets would be inaccurate in projecting trends. The air deposition load has been updated to reflect the new EPA information as suggested. Data received during the public comment process have been incorporated in projecting a more accurate estimate of the relative magnitude of point source loading. Reduction in methylation potential was calculated using literature references cited and incorporates the long-term improvement realized in the hypolimnion from reduced SOD. Additional references are welcome to clarify this concern. Bacterial methylation potential is acknowledged in the SR-HC TMDL.</p> <p>4. This has been corrected.</p> <p>5. The mercury data submitted is greatly appreciated.</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.</p>
69d	Robbin	Finch	Boise City Public Works	Muni	N	<p>1. Expressed significant technical concerns with the development of the total phosphorus target including: reference condition approach is unrelated to impairment/protection of uses, other methods for evaluation are available, state nutrient criteria development is under development, concerns about data set used, concerns about aesthetics target, proposed nutrient target yields a chlorophyll a result that would create problems with the existing use.</p> <p>2. Voiced concern that the dissolved oxygen load allocation to Idaho Power Company are not well</p>	<p>1. The data available demonstrate that water quality violations are occurring. The reference condition approach made it possible to determine a total phosphorus target based on the Snake River rather than a nationwide or regional value that may not be appropriate for climate and flow conditions in the SR-HC TMDL reach. We recognize that other methods of evaluation are available. We feel that this method represents the greatest flexibility to develop locally based targets. The SR-HC TMDL cannot be postponed to</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>explained or clearly presented in the document.</p> <p>3. The proposed nutrient targets do not directly relate to the protection of beneficial uses. IDEQ's TMDL Guidance (1999) states that only a chlorophyll a target is acceptable as a surrogate for nutrient loading.</p> <p>4. The Nutrient Loading Analysis seems to rely heavily upon individual comments or complaints about negative effects on recreational uses on the river, and less so on quantifiable data.</p> <p>5. Although the Nutrient Loading Analysis acknowledges a difference in assimilative capacity for the reservoir, it does not specifically address the issue of increased sensitivity to nutrients.</p> <p>6. Modeling work performed by the Brown and Caldwell project team indicates that the reservoir could not meet the dissolved oxygen target of 6.5 mg/L, even with major phosphorus reductions and that additional improvements to water quality were necessary.</p> <p>7. Additional information on direct and indirect effects on water quality by excessive nutrient loading should be added. City of Boise citation should be clarified.</p> <p>8. Additional clarification of the application of the seasonal phosphorus target and compliance should be added.</p> <p>9. It is important to consider suspended solids in turbidity and color effects as well as nutrients.</p> <p>10. Link between dissolved oxygen levels and effects on aquatic life should be clarified. Low dissolved oxygen concerns between river mile 409 and 335 should be substantiated. Dissolved oxygen data should be provided for shovel test discussion.</p> <p>11. Greater detail on the Blackfoot and Portneuf River would be helpful.</p> <p>12. Current data, available within the Boise River report should be added to the plots in Figure 3.2.2, data sources should be cited and all plots should have figure numbers.</p> <p>13. Table 3.2.3a should reflect data from 1995 and 1996, not just 1995.</p> <p>14. Assimilative capacity of the river or reservoir is not identified.</p>	<p>correlate with the development of new state criteria. Rather, during the periodic review process, the SR-HC TMDL will be reviewed and revised as necessary following adoption of new criteria by the states. The aesthetics target was developed based on similar studies on other surface water bodies. There are fish populations elsewhere in the Pacific Northwest that are supported at algae levels below those proposed.</p> <p>2. The section on dissolved oxygen has been rewritten with the goal of improving the clarity of the document.</p> <p>3. We appreciate your support of the Nutrient Loading Analysis. It is the opinion of the DEQs that the targets identified are appropriate and the linkage between the nutrient target and protection of beneficial uses is clear. However, additional text has been added to the document to further detail this connection. Please see response to comments on chlorophyll a above.</p> <p>4. While complaints are recognized as an indicator of reduced recreational or aesthetic quality in the Snake River, they are not the sole source of information. Data show excessive levels of algae biomass and nutrient loading to the Snake River between river mile 409 and river mile 335.</p> <p>5. It is the opinion of the DEQs that the connection between the decreased assimilative capacity in Brownlee Reservoir and nutrient loading is well identified in the Nutrient Loading Analysis. Load allocations to address reduced assimilative capacity have been identified in the SR-HC TMDL.</p> <p>6. The work outlined in the SR-HC TMDL indicates that the attainment of the total phosphorus target in the Upstream Snake River segment alone will not result in attainment of the dissolved oxygen target in the reservoir. Additional dissolved oxygen will be required. Load allocations to address this additional improvement have been assigned to Idaho Power</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>15. The needs of the Upstream Snake River segment are not well defined, particularly since there is no linkage between TP and dissolved oxygen and protection of beneficial uses.</p> <p>16. It is important to reflect that the phosphorus loads in the river are also driven by downstream water quality conditions in the reservoir.</p> <p>17. Boise City disagrees with the proposed EPA approach primarily because it does not relate to the attainment of beneficial uses, but rather to achieving un-impacted reference conditions.</p> <p>18. It also needs to be recognized that the development of nutrient criteria is a highly flexible process with many unresolved issues outstanding to date.</p> <p>19. Site specific chlorophyll a targets should be added to the target identification section. Recommendations on what this target should be were provided.</p> <p>20. More focus needs to be applied on approaches such as the USG approach discussed earlier.</p> <p>21. Reference for the "Standard organic matter/ dissolved oxygen demand coefficient" of 0.8 is requested. The estimated improvements in dissolved oxygen seem optimistic. More detail on the process used to determine dissolved oxygen improvement should be added along with an explanation of the highly dynamic nature of the dissolved oxygen demand in the metalimnion and transition zones. The use of an average daily demand within the text of this section should also be minimized since it implies that the dissolved oxygen demand is steady or has a relatively constant value with time. Instead, the range of daily demands, for example a few tons per day to 30 tons per day in the metalimnion, should be emphasized.</p> <p>22. Additional concerns associated with low flows include enhanced sedimentation and enhanced anoxia (and associated phosphorus de-sorption) reduced endangered snail habitat, enhanced blue-green algae blooms.</p> <p>23. It is not clear what measure of chlorophyll was</p>	<p>Company.</p> <p>7. This section has been rewritten to add clarification to the process and the conclusions. The City of Boise citation has been removed</p> <p>8. This section has been rewritten to add clarification to the process and the conclusions.</p> <p>9. We agree.</p> <p>10. This section has been rewritten to add clarification to the process and the conclusions. Recent studies of substrate dissolved oxygen levels are being cited. The SR-HC TMDL clearly stated that the shovel test was qualitative in nature to identify areas of concern and that quantitative data would be collected during the phased SR-HC TMDL process.</p> <p>11. This section has been rewritten for further clarification.</p> <p>12. Temporal distributions of data plotted are consistent to the extent possible and clearly defined. Figures have been refined to improve clarity. Individual plots are labeled.</p> <p>13. 1995 represents a relatively average year in which the most complete and robust set of monitoring reports for NPDES sources were available to the SR-HC TMDL effort. 2000 represents the next most complete (relatively average year) available.</p> <p>14. Section has been rewritten for clarity.</p> <p>15. We disagree. We feel a clear linkage has been identified. Clarifying text has been added.</p> <p>16. We disagree. Water quality conditions in the reservoir have no influence on phosphorus loading upstream.</p> <p>17. We disagree. This approach is well correlated with support of designated uses and site-specific conditions. Additional text has been added to better illustrate this link to attain full support of designated beneficial uses.</p> <p>18. We agree. This is why the DEQs have identified the phased approach as very important to the SR-HC TMDL effort.</p> <p>19. Site specific chlorophyll a targets have been</p>

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						used in the analysis. It is assumed (would be best) that pheophytin-corrected chlorophyll a was used.	<p>added to the document.</p> <p>20. Familiarity with these emerging assessment mechanisms will be helpful in the phased SR-HC TMDL process.</p> <p>21. Reference has been added. The CE-UAL-W2 model operated by Idaho Power Company was used to model dissolved oxygen improvements if the total phosphorus target was attained. The model output showed the calculated improvements in dissolved oxygen to be very conservative, underestimating the modeled improvement by 30%. This model has been per reviewed by both national experts and the DEQs and represents a good fit to the SR-HC TMDL system. The results of this model support the SR-HC TMDL calculations of improved dissolved oxygen. The more conservative dissolved oxygen load allocation from the calculated improvements has been applied rather than the modeled value. The discussion of this load allocation will include a range of daily demands, as recommended.</p> <p>22. Further discussion of limitations based on low flow can be incorporated into the SR-HC TMDL. However, it is important to note that requirements for changes in flow are outside the scope of the SR-HC TMDL process.</p> <p>23. Pheophytin-corrected chlorophyll a was used.</p>
69e	Robbin	Finch	Boise City Public Works	Muni	I	<p>1. Suggestions to improve the Implementation Considerations section were attached including referencing this TMDL as <i>Phase I of the Snake River – Hells Canyon TMDL</i>.</p> <p>2. Suggestions were offered to improve the monitoring plan.</p>	<p>1. We agree. These suggestions have been incorporated to the extent possible.</p> <p>2. We appreciate these suggestions and the clarification they bring to the process. appreciated.</p>
69f	Robbin	Finch	Boise City Public Works	Muni	S	<p>1. Because existing data suggest that sediment targets will be met in the mainstem Snake (RM 409 to 335) upon implementation of the nutrient and sediment TMDLs in some of the tributaries a recommendation to identify the listed segments as “anticipated to meet standards in the near future” in the draft TMDL and list them in the October 2002 listing cycle as a "part 4" stream segment per EPA's</p>	<p>1. We appreciate this recommendation, however, the listing mechanism that will be used for 2002 has yet to be decided. The basis for the sediment target is the protection of aquatic life within the SR-HC TMDL reach.</p> <p>2. We agree. Total suspended solids waste load allocations have been established at existing discharge limits.</p>

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						Consolidated Listing Methodology Guidance. The basis for the sediment target is unclear. 2. The draft TMDL proposes no net increase for sources discharging < 50 mg/l TSS. The sediment allocation to point sources should be for current technology-based concentration limits or no limitation on additional technology-based discharge, provided discharges are less than the TMDL target end of pipe.	
69g	Robbin	Finch	Boise City Public Works	Muni	Pst	1. The TMDL suggests use of pesticide targets based on threshold fish tissue numbers and not the existing water column criteria adopted in water quality standards. The states should use the water column targets unless the state(s) have an active proposal to adopt the threshold levels into water quality standards. 2. Stated that since few pesticide data are available, it should result in the finding that insufficient data exist to evaluate the standard and a proposed monitoring program. Supportive of substantial non-point source sediment reductions to meet other TMDLs that will result in sediment control for pesticide transport as well. An alternative approach would be for expeditious implementation of the nutrient TMDL coupled with Dieldrin/DDT monitoring to determine if or when existing water quality standards are met.	1. We disagree. The SR-HC TMDL pesticide targets are water column concentrations. Fish tissue data are discussed but do not represent targets for the SR-HC TMDL. 2. We agree that data are few. We feel that while our understanding of the system will improve with the additional data collection identified in the SR-HC TMDL, there is a need to act in a responsible manner in the meantime. Implementation of nutrient and sediment control practices for sediment and nutrient TMDLs will result in reductions of pesticide loading as well. In this manner, reasonable improvements can be accomplished that result in multiple benefits while obtaining additional data.
69	Robbin	Finch	PAT Idaho Municipal Interest Representative	PAT		Comments submitted are those submitted on behalf of Boise City Public Works, Robbin Finch (#69)	Please see response to comments submitted by Boise City Public Works, Robbin Finch (#69)
70a	Mike	Franell	City of Ontario	Muni	TMDL	1. The City of Ontario concurs with the comments of Robbin Finch with the City of Boise in his letter of today's date (19 Apr 2002 as to the temperature, mercury and pesticide issues set forth in the TMDL. 2. Based upon the comments submitted, we do not feel the TMDLs for temperature, mercury, sediment and pesticides are warranted in the upper stretch of the SR-HC TMDL document. We believe that the proposed TMDLs for phosphorus and chlorophyll a are not realistic or attainable and therefore should be set at levels of at least 0.1 mg/l for phosphorus and a corresponding increased level for chlorophyll a of at least 30 micrograms per liter.	1. Please see response to comments from Robbin Finch (#69) 2. We disagree. Please see response to comments from Robbin Finch (#69), Dr. Clint Shock (#45, 46, 88) and Tom Dupuis (#56).

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70b	Mike	Franell	City of Ontario	Muni	N	Additional work by Clint Shock is being submitted on the nutrient loading, mercury and sediment issues with which the City of Ontario concurs.	Please see response to comments from Dr. Clint Shock (#45, 46, 88).
70c	Mike	Franell	City of Ontario	Muni	T	Since you have not identified an increase in the river temperatures caused by anthropogenic activities, we believe a use change needs to be accomplished to change the designation from cold water biota to seasonal cool water or the Oregon equivalent, and that should also support the lower dissolved oxygen requirements proposed in the TMDL. Salmonid spawning should be removed as a supported beneficial use as it is not achievable according to work performed by CH2MHill.	Please see response to comments from Jesse and Pam White (#16b).
71a	Jenny	Freitag	TVCC student	Prv Ctz	TMDL	Expressed concern about unrealistic requirements.	Please see response to comments from Brian Cleaver (#25a)
71b	Jenny	Freitag	TVCC student	Prv Ctz	N	Expressed concern about targets for total phosphorus being lower than natural levels	Please see response to comments from Carl Hill (#22a, part 1) and Roger Findley (#27a, part 1).
71c	Jenny	Freitag	TVCC student	Prv Ctz	\$	Expressed concerns about the economic impacts of the TMDL.	Please see response to comments from Lou Wettstein (#26).
72a	John	Gleim	Citizen ID	Prv Ctz	TMDL	Support of designated uses in the Boise River should not be sacrificed in favor of reducing phosphorus to a man-created reservoir	We agree that support of designated beneficial uses in the lower Boise River, the SR-HC reach, and all other tributaries should be a primary goal of the overall TMDL processes in Idaho and Oregon.
72b	John	Gleim	Citizen ID	Prv Ctz	N	Concern that the total phosphorus reductions called for in the SR-HC TMDL could lead to an adverse impact on the beneficial uses of the Boise River"	The purpose of the SR-HC TMDL is to meet water quality standards and fully support designated beneficial uses. The Lower Boise River TMDL process will assess the appropriate load allocation process within the Boise River to meet downstream load reduction requirements, water quality standards, and support of designated beneficial uses in the lower Boise River.
73a	Pat	Larsen	Oregon Cattlemen's Association	Ag	TMDL	1. We suggest that "data gaps" limit the ability of the DEQs to expect implementation of the TMDLs. 2. What do you mean by "better data"? 3. References are not cited well in the document. 4. Are the data and associated correlations identified in the document lab data or field data? it seems that the discussions are centered on lab data. 5. Shouldn't the Snake River be taken off the 303(d)	1. There will always be some level of uncertainty associated with the assessment process. This was acknowledged by the Clean Water Act and is why a margin of safety is included. Identified data gaps do not excuse pollutant sources from implementing. As information becomes available, the identified data gaps will be filled. 2. The text in the document has been changed to

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>list now?</p> <p>6. How will individual management practices be inspected if a complaint is made that a TMDL or 1010 rule has been violated?</p> <p>7. How will forest practices be regulated?</p> <p>8. We expect better data to be collected before the document is approved or the tributary TMDLs are written.</p> <p>9. It is critical that this TMDL remain a truly iterative process.</p>	<p>clarify this statement. The quality of the data we have is not in question, however, additional data would be helpful.</p> <p>3. The document has been reviewed and appropriate citations added where not previously in place.</p> <p>4. All nutrient, sediment, mercury, pesticide, and chlorophyll a data used in this analysis were analyzed in a laboratory.</p> <p>5. No. The temperature assessment showed that anthropogenic temperature sources were not the dominant heat source to the mainstem river. However, tributary heat loads will have to be assessed and this data evaluated in the SR-HC TMDL context to refine the initial findings. Additionally, the Snake River is not meeting water quality standards for other constituents.</p> <p>6. The adaptive management section of the SR-HC TMDL states that if an agricultural land owner is in compliance with their 1010 plan, they are in compliance with the SR-HC TMDL. Violations are under the authority of the Oregon Department of Agriculture or Idaho Department of Agriculture.</p> <p>7. Forest practices will be regulated through the Forest Practices Act.</p> <p>8. The TMDL process dictates that the SR-HC TMDL be produced using available data. This SR-HC TMDL has been developed using available data and assessing the system to the fullest extent possible. In some cases (identified as data gaps) sufficient data is not available to make a complete assessment. In these cases, the best possible assessment was completed and data collection will continue in order to augment our understanding of the system. However, this does not preclude responsible management of anthropogenic sources of pollution. Tributary TMDLs will be based on data available to the tributary systems.</p> <p>9. We agree.</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
73b	Pat	Larsen	Oregon Cattlemen's Association	Ag	T	<p>1. Why was a model other than Heat Source used to assess temperature influences? Information about the model was requested.</p> <p>2. Why would the Powder River most likely be influenced by lack of shade?</p> <p>3. Shade does not act to cool water.</p> <p>4. Is sunshine a pollutant in this TMDL?</p> <p>5. Is there a shift in policy with this TMDL? Why is heat load being evaluated differently than in other Oregon TMDLs?</p>	<p>1. Data limitations precluded the use of Heat Source as a model. The model used was a calculational model based on the work of Sharpe in 1980. It has been used previously on the Lower Boise River TMDL.</p> <p>2. A lack of shade results in greater transmission of solar energy directly to the water surface.</p> <p>3. We agree. Shade acts to reduce the level of heating that occurs. The document has been revised to address this clarification.</p> <p>4. Shade is intended to address heat, which is a pollutant and translates to elevated water temperatures.</p> <p>5. There is no change in policy. This temperature TMDL and others address heat load due to anthropogenic impacts.</p>
73c	Pat	Larsen	Oregon Cattlemen's Association	Ag	\$	Are the cost figures presented in the phosphorus load allocation mechanism reasonable? What are the economic impacts within this TMDL? We did not find a full analysis of costs.	The figures are based on an estimate of available capital and the current level of federal and state funding. The work load allocation group who put these figures together is made up of individuals who are very experienced in the field of agricultural projects and their estimates are reasonable. More detailed cost analyses may be prepared as part of the site-specific implementation plans.
73	Susan	Hammond	Oregon Cattlemen's Association	Ag	TMDL	Co-signature to comments from Pat Larsen (#73a)	Please see response to comments from Pat Larsen (#73a)
73	Susan	Hammond	Oregon Cattlemen's Association	Ag	T	Co-signature to comments from Pat Larsen (#73b)	Please see response to comments from Pat Larsen (#73b)
73	Susan	Hammond	Oregon Cattlemen's Association	Ag	\$	Co-signature to comments from Pat Larsen (#73c)	Please see response to comments from Pat Larsen (#73c)
74a	Charles T	Hensley	Heinz Frozen Food Company	Indust		Co-signature to comments from Bob Braun (#65a). Separate copy submitted.	Please see response to comments from Bob Braun (#65a).
74b	Charles T	Hensley	Heinz Frozen Food Company	Indust		Co-signature to comments from Bob Braun (#65b). Separate copy submitted.	Please see response to comments from Bob Braun (#65b).
74c	Charles T	Hensley	Heinz Frozen Food Company	Indust		Co-signature to comments from Bob Braun (#65c). Separate copy submitted.	Please see response to comments from Bob Braun (#65c).
74d	Charles	Hensley	Heinz Frozen Food	Indust		Co-signature to comments from Bob Braun (#65d).	Please see response to comments from Bob

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
	T		Company			Separate copy submitted.	Braun (#65d).
74e	Charles T	Hensley	Heinz Frozen Food Company	Indust		Co-signature to comments from Bob Braun (#65e). Separate copy submitted.	Please see response to comments from Bob Braun (#65e).
74f	Charles T	Hensley	Heinz Frozen Food Company	Indust		Co-signature to comments from Bob Braun (#65f). Separate copy submitted.	Please see response to comments from Bob Braun (#65f).
75		Duplicate comment				Duplicate copy of comments submitted - Removed from list	
76	Robert R	Kindschy	The Wildlife Society	Prv Ctz	TMDL	1. Expressed concern that cold water aquatic life was not present in the segments of the river. This needs to be changed to remove unobtainable cold water requirements 2. Although appreciative of the information presented in the TMDL, he expressed opposition to the TMDL concept as it does not recognize our lack of understanding of what conditions are appropriate for the river. Long term monitoring to determine this would be more appropriate 3. Targets set below what is achievable will make the plan unworkable.	1. Please see response to comments from Burrell Lovell (#41) and Russ Hursh (#33e, part 1). 2. Please see response to comments from Michael Horton (#60). Continued monitoring is identified as a priority in the phased SR-HC TMDL process. 3. Please see response to comments from Carl Hill (#22a, part 1)
77		Duplicate comment				Duplicate copy of comments submitted - Removed from list	
78a	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	TMDL	1. The TMDL does not accurately account for what has been accomplished in Malheur County. 2. Significant state and federal financial resource dollars must be available – no unfunded-mandates 3. The adaptive management approach is essential. Element of the adaptive management strategy include: a. providing a process for modifying TMDL objectives, targets and load allocations, b. Long-term, scientifically justified water quality based goals, c. Interim, attainable water quality goals based on implementation of feasible control strategies and equitable distribution of the load, d. Pollutant trading to enable cost-effective control strategies, e. Periodic monitoring to determine progress toward TMDL objectives, f. Periodic review of goals, cost-benefit analysis and progress. 4. The TMDL is incorrect in the statement that early native cultures were irrigating in the Snake River plain. 5. The TMDL is not a document that has been approved by the public advisory team.	1. Please see response to comments from Russ Hursh (#33a, part 1). 2. Please see response to comments from Russ Hursh (#33a, part 2). 3. Please see response to comments from Russ Hursh (#33a, part 3). 4. Please see response to comments from Russ Hursh (#33a, part 4). 5. Please see response to comments from Russ Hursh (#33a, part 5). 6. Please see response to comments from Russ Hursh (#33a, part 6).

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						6. Outlined guidance for future public process and participation with IDEQ and ODEQ	
78b	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	TDG	Supportive of the total dissolved gas target and reductions.	Thank you for your support of this target and goal.
78c	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	N	1. Not supportive of the total phosphorus load allocation for the Malheur River or the Owyhee River. 2. Supportive of the 50 to 70 year time frame for implementation of phosphorus reductions 3. Oxygen levels in Brownlee Reservoir must be addressed by increased flow in low water years and aeration. Algae is also beneficial to aquatic life 5. No net degradation in phosphorus has been shown 6. Current phosphorus loads are underestimated due to transport by flooding that is unaccounted for. 7. Phosphorus is a naturally occurring element and has been heavily deposited in soils and river bottoms.	1. Please see response to comments from Russ Hursh (#33c, part 1) and Carl Hill (#22a). 2. Please see response to comments from Russ Hursh (#33c, part 2). 3. Please see response to comments from Russ Hursh (#33c, part 3). 4. Please see response to comments from Russ Hursh (#33c, part 4). 5. Data available clearly demonstrate violations of water quality standards. 6. We agree. The SR-HC TMDL acknowledges that data is not available for flood-based flows and loads. Please see response to comments from Clint Shock (#45e). 7. We agree that phosphorus is a naturally occurring element. The SR-HC TMDL recognizes that natural loading occurs in the mainstem Snake River and in all tributaries. However, the assessment of total phosphorus concentrations in the mainstem Snake River near known phosphoria deposits is still well below the concentration observed in the Upstream Snake River segment of the SR-HC TMDL. Therefore, natural phosphorus loading it is not identified as a major source of total phosphorus loading to the SR-HC TMDL reach.
78d	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	S	1. Supportive of the 50 to 70 year time frame for implementation of sediment reductions 2. The TMDL fails to recognize the fine silts from the Bonneville floods that characterize the SR-HC TMDL reach 3. No net degradation in sediment has been shown. 4. Current sediment loads are underestimated due to transport by flooding that is unaccounted for.	1. Please see response to comments from Russ Hursh (#33d, part 1). 2. Please see response to comments from Russ Hursh (#33d, part 2). 3. Data available clearly demonstrate violations of water quality standards. 4. We agree. The SR-HC TMDL acknowledges that data is not available for flood-based flows and loads. Please see response to comments from Clint Shock (#45e).

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
78e	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	T	1. Temperature standards and cold water beneficial uses are incorrect 2. Anthropogenic heating analysis ignores key factors	1. Please see response to comments from Russ Hursh (#33e, part 1). 2. Please see response to comments from Russ Hursh (#33e, part 2).
78f	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	Hg	Not supportive of the mercury approach. Recommendations for mercury include cleanup responsibilities by the state of Idaho for the Jordan Creek area, geologic and hydrologic studies to determine sources and relative loading, determination of agriculture role as a source or a sink for mercury.	Please see response to comments from Russ Hursh (#33f). The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
78g	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	Pst	Legacy substances such as DDT and breakdown products are a degradation of water quality. Hypothesized that the dominant transport and loading mechanism may be natural runoff events (flooding and similar occurrences that are a product of nature) and irrigation-induced erosion may not make any noticeable difference.	1. Please see response to comments received from Clint Shock (#45e).
78h	Pat	Phillips	Malheur County (attached sheets with 417 signatures)	Loc Gov	O	1. Table of flows need to be redesigned to reflect peak flows in recent years. Malheur River flows should include 1993 and 1957. Expressed concern about flooding and extreme flow events. 2. Urbanization is occurring only in Idaho, no similar population growth has been identified in Oregon. 3. The statement that "the relative costs of hydropower may be much higher than for other types of power" in the TMDL is not endorsed by the PAT. 4. A total of 419 signatures (308 from Oregon, 86 from Idaho, and 25 that did not give a state address) were attached to these comments on a sheet that read "The Snake River – Hells Canyon TMDL Draft December, 2001 must be thoroughly rewritten without its current bias against agriculture. The TMDL is an exceedingly expensive regulatory document and a document which cannot be accepted in its current form."	1. Changes have been made to the table to reflect representative flows in each of the tributary systems. The SR-HC TMDL acknowledges that data is not available for flood-based flows and loads. Please see response to comments received from Clint Shock (#45e). 2. The document has been changed to reflect this information. 3. The document in no way states that the PAT endorsed this sentence. 4. The SR-HC TMDL was not written with a bias against agriculture. Indeed, other comments received during this process state that the SR-HC TMDL has underestimated agricultural loading and responsibility. As there is no way gage the level of understanding of these signatories for the SR-HC TMDL, we propose that they be invited to a public information meeting where a productive discussion of specific concerns relating to the SR-HC TMDL could occur. In this manner, we could gain a better understanding of the specific concerns represented by these signatures and they would have the opportunity to ask questions and receive answers about the SR-HC TMDL and

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							the implementation process.
79a	Andi	Mitchell	Wallowa County Natural Resource Advisory Council	Env Int/Prv Ctz	N	On page 247 mentions that point sources for phosphate discharge in to tributaries will not be included in the load calculations, while on page 252 it says that tributaries are the primary source of phosphates. That may place unreasonable burden on other point sources.	Point sources that discharge to the tributaries are included in the load calculations for the tributaries, and will not be separately identified by the SR-HC TMDL process. Waste load allocations and load allocations will be identified in the tributary TMDLs as part of the tributary TMDL process.
79b	Andi	Mitchell	Wallowa County Natural Resource Advisory Council	Env Int/Prv Ctz	O	1. P. 55, there seems to be some confusion about whether or not anadromous fish passage past Hells Canyon Dam is administratively supported. Fish passage was intended when FERC issued the original licenses. 2. Expressed support for fish passage while recognizing the important social values that the dams provide.	1. We appreciate this clarification. 2. We appreciate your comment.
80	Dave	Nelson	Idaho Cattle Association	Ag	TMDL	1. Recommend that the DEQs apply realistic standards and goals for all stream segments. 2. Natural condition and background should be considered. 3. Text should be added that clearly states the rationale for phasing the TMDLs. 4. Data indicates that current uses are inconsistent with existing and attainable uses. 5. Recommends consistent use designations on the same water body. 6. The TMDL should recognize natural background rather than relying on 17.8 °C which is largely unobtainable. 7. Clearly identify the rationale and details of the calculation of the sediment target. 8. A more simple and concise document would be more readable. 9. Agencies responsible for monitoring to fill data gaps should be identified, as should analytical methodology. 10. We suggest that DEQ adopt attainable targets at the beginning of the process.	1. It is the opinion of the DEQs that the standards and goals are realistic. 2. Please see response to comment from Carl Hill (#22a, part 1). 3. Text has been added that clearly states the rationale for phasing the TMDLs. 4. Please see response to comments from Jesse and Pam White (#16b). 5. Designated beneficial uses assessed are those used designated as part of state process. 6. Additional text has been added to clarify this issue. Use designations are consistent. Natural background is used when calculating the no measurable increase, not the 17.8 °C criteria. 7. Narrative criteria are text based and therefore not calculated. The reasoning behind the numeric target is identified in the SR-HC TMDL. 8. We are working to reduce redundancy in the document. 9. This will be completed as part of the site-specific implementation plans completed within 18 months of the approval of the SR-HC TMDL 10. It is the opinion of the DEQs that the identified targets are attainable. Please see response to comments from Carl Hill (#22a, part 1).
81a	Diane	Paulsen	Wilder Irrigation District	Irrig	T	Supportive of the Snake River – Hells Canyon Use Refinement Study.	Please see response to comments from Tom Dupuis (#56) and Norm Semanko (#58, part 3).

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81b	Diane	Paulsen	Wilder Irrigation District	Irrig	N	Supportive of the review and analysis of the SR-HC TMDL by Dr. Armstrong. Targets should be changed consistent with Dr. Armstrong's work.	Please see response to comments from Neal Armstrong (#63)
82a	Larry	Pennington	North Side Canal Company	Irrig	TMDL	Testimony given at the April 11, 2002 public hearing should not be ignored.	Public hearing testimony and all comments received have been carefully considered.
82b	Larry	Pennington	North Side Canal Company	Irrig	N	Supportive of the review and analysis of the SR-HC TMDL by Dr. Armstrong. Targets should be changed consistent with Dr. Armstrong's work.	Please see response to comments from Neal Armstrong (#63)
82c	Larry	Pennington	North Side Canal Company	Irrig	T	Supportive of the Snake River – Hells Canyon Use Refinement Study.	Please see response to comments from Tom Dupuis (#56) and Norm Semanko (#58, part 3).
83a	Samuel N	Penny	Nez Perce Tribe	Tribal Int	TMDL	1. Load allocations assigned to the mouths of the tributaries may turn out not to be sufficient to achieve water quality standards in the tributaries. Greater load reductions may be required. If this occurs, the TMDL analysis should be refined when tributary TMDLs are completed. 2. A monitoring plan should be prepared as soon as possible that includes the goals, objectives, methodologies, and costs for each pollutant. The Tribe requests a commitment from DEQ to take a more active role in monitoring the reservoirs and downstream to ensure an independent analysis and more access to the data.	1. This review and refinement process is an integral part of the phased approach for the SR-HC TMDL. 2. A detailed monitoring plan will be prepared as part of the site-specific implementation plans. This is expected to be completed within no more than 18 months of the approval of the SR-HC TMDL.
83b	Samuel N	Penny	Nez Perce Tribe	Tribal Int	N	1. Supportive of the 0.07 mg/L total phosphorus target. 2. Not supportive of the 50 to 70 year time frame identified for implementation. 3. Disagree that it is not reasonable to expect zero discharge or widespread conversion to sprinkler irrigation due to high costs and potential hydrological impacts. 4. Significant reductions can be made in total phosphorus by very simple measures such as buffer strips and no-till farming. 5. Disagrees with the premise that interim goals can be identified based on historical funding. Current or historical funding levels do not necessarily correlate with future funding levels.	1. We appreciate your support and look forward to your participation in this effort. 2. Additional text has been added to the document to identify the reasoning behind this time frame, and to clarify that pollution control mechanisms will be implemented with all deliberate speed to meet the goal. 3. This SR-HC TMDL does not identify zero discharge or widespread conversion to sprinkler irrigation as a requirement of implementation. The mechanisms used to achieve the reductions required will be identified by the site-specific implementation plans. 4. We agree 5. Additional text has been added to the document to identify the reasoning behind this time frame and to clarify that pollution control mechanisms will be implemented with all deliberate speed to meet the goal. The time frame identified is not

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							based on available funding, it is based on the time required for effective implementation of those practices and projects necessary to achieve load reductions and the TMDL schedule identified by Idaho and Oregon. Cost over time evaluations were prepared by the load allocation working group to determine the pace of implementation based on available funding. This is more clearly defined in the added text. We agree that current or historical funding levels do not necessarily correlate with future funding levels. This is recognized in the document.
83c	Samuel N	Penny	Nez Perce Tribe	Tribal Int	DO	<p>1. Section 3.2.8.6 should be expanded to better explain the dynamic nature of dissolved oxygen demand in the metalimnion and transition zones</p> <p>2. More emphasis needs to be placed on measures in Brownlee Reservoir that will raise dissolved oxygen content. The use of the average daily oxygen demand should be refined to emphasize the range of demand (a few tons per day up to 30 tons per day in the metalimnion).</p> <p>3. Concerned about the lack of a dissolved oxygen allocation for the river below Hells Canyon Dam. Believe that improvements in Brownlee will carry through the HCC, thus mechanical re-oxygenation of the reservoirs should be encouraged in the TMDL.</p> <p>4. It is critical that the 401 Certification and FERC license reflect thorough and accurate accounts for all sources and their relative impacts.</p>	<p>1. This section has been rewritten for clarification and better explanation</p> <p>2. This change has been made and this section has been rewritten for clarification and better explanation.</p> <p>3. The projected improvements in dissolved oxygen within Brownlee Reservoir with full attainment of SR-HC TMDL goals shows improvement in downstream waters. If, as the phased SR-HC TMDL process proceeds, monitoring shows that appropriate dissolved oxygen concentrations are not being achieved with attainment of water quality targets, the SR-HC TMDL will be revised to ensure that dissolved oxygen meets requirements for aquatic life downstream.</p> <p>4. We agree.</p>
83d	Samuel N	Penny	Nez Perce Tribe	Tribal Int	S	Both excess sediment above and within the HCC and lack of sediment below the HCC are of concern. A more thorough analysis of sediment effects in the TMDL reach is encouraged. Data collection should begin as soon as possible.	Lack of duration-based sediment concentration in the SR-HC TMDL reach is an acknowledged data gap in this TMDL. Targets protective of aquatic life have been identified. Data collection is identified as a next step by the SR-HC TMDL. Lack of sediment downstream of the Hells Canyon Complex is not a parameter that can be specifically addressed by the SR-HC TMDL as state standards are specific to excessive concentrations only.
83e	Samuel N	Penny	Nez Perce Tribe	Tribal Int	T	1. Natural atmospheric temperature sources are not the sole reason that temperature in the Snake River does not meet state water quality standards. Past	1. Additional data and analysis will available to the temperature assessment effort of the SR-HC TMDL as the tributary TMDL processes identify

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						<p>and current land uses, riparian development, irrigation returns, nonpoint sources related to agriculture, point source discharges from municipal waste water plants and the presence of large reservoirs associated with hydropower projects has resulted in an increase in the number of days that the river exceeds the temperature standard.</p> <p>2. The conclusions drawn in the TMDL may be oversimplified or erroneous due to a lack of temperature data. Acknowledged data gaps represent a significant concern.</p> <p>3. The influence of the unaccounted for anthropogenic effects is a local increase in water temperature.</p> <p>4. A more thorough accounting of sources and their temperature impacts is warranted. There is ample evidence to show the dams increase the number of days that the water temperature exceeds the standard, especially during the fall which is when fall chinook spawn in the reach below Hells Canyon Dam. This effect has resulted in a shift in the migration timing of both juvenile and adult salmon and steelhead.</p> <p>5. Disagree with the conclusion that the only impact that the Hells Canyon Complex has on water temperatures, spawning, rearing and migration of anadromous fish is the cooling of the river below Hells Canyon Dam.</p> <p>6. Temperature allocations should be established to ensure the temperature criteria are attained during critical fall chinook spawning and incubation periods.</p>	<p>anthropogenic loading within the tributaries. This information will be utilized to revisit and refine the existing temperature assessment. Changes will be made to the SR-HC TMDL as appropriate.</p> <p>2. We agree. Additional data that becomes available will be used to refine the current assessment of temperature sources.</p> <p>3. The SR-HC TMDL acknowledges that unquantified sources may represent a source of temperature increase. Further study is necessary.</p> <p>4. This section has been rewritten to address this concern.</p> <p>5. This statement specifies that elevated temperatures do not occur solely as the result of the Hells Canyon Complex, it does not infer that impoundments upstream do not affect temperature in ways other than summer cooling.</p> <p>6. It is the intent of ODEQ and IDEQ to conditions to meet water quality standards or load allocations whichever is applicable.</p>
83f	Samuel N	Penny	Nez Perce Tribe	Tribal Int	Hg	<p>1. Fall turnover is a significant pathway for introduction of methylmercury into biota. This has not been recognized in the TMDL.</p> <p>2. Upstream reductions may not adequately reduce mercury in the reservoir and in fish tissue</p> <p>Tribal members consume far more fish than the national average. Fish tissue mercury levels need to be brought down to be protective of tribal health.</p> <p>3. The TMDL should accurately account for all sources and develop quantitative load allocations</p> <p>4. Monitoring should be continued throughout the</p>	<p>1. We appreciate this information. Text has been added to the SR-HC TMDL to recognize this concern. The projected improvement in dissolved oxygen concentration with attainment of targets and the dissolved oxygen load allocation for Idaho Power Company will act to reduce the occurrence of chemical conditions that are conducive to the formation of methylmercury.</p> <p>2. This is addressed by reducing the potential for methylation through improved dissolved oxygen conditions in the reservoir. Additionally, fish</p>

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						Action Plan and into the phased TMDL process.	tissue consumption advisories are in place for the SR-HC TMDL reach. 3. This is one of the goals of the SR-HC TMDL process. If there are specific areas where additional information is currently available, please provide further information so these concerns can be addressed. 4. We agree. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
83g	Samuel N	Penny	Nez Perce Tribe	Tribal Int	pH	Additional monitoring is encouraged to ensure that delisting is an appropriate action.	Comment noted. This is specifically stated in the SR-HC TMDL.
83h	Samuel N	Penny	Nez Perce Tribe	Tribal Int	Bac	Additional monitoring is encouraged to ensure that delisting is an appropriate action.	Comment noted. This is specifically stated in the SR-HC TMDL.
83l	Samuel N	Penny	Nez Perce Tribe	Tribal Int	TDG	The Tribe supports the inclusion of TDG in this TMDL	We appreciate your support and look forward to your participation in this effort.
84	Katherine B	Ritter	City of Council	Muni	O	The City of Council requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
85a	Edward A	Rose	Sorrento Lactalis, Inc.	Indust	TMDL	1. The TMDL needs to include a growth increment for new industry 2. The TMDL should include stronger support for trading. 3. Supportive of the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69). 4. Requests a ruling on the application of Idaho Code Section 39-3612.	1. In the case where there is a demonstrated impairment in the SR-HC reach, as in the case of nutrient loading, it would be irresponsible to allow additional discharge and loading to the system by new dischargers while requiring existing dischargers to reduce. Rather, if a new entity requested a permit to discharge, they should demonstrate an offset of existing load. 2. The SR-HC TMDL and the DEQs fully support pollutant trading within the SR-HC TMDL reach. 3. Please see response to comments from Robbin Finch (#69). 4. The limitation on point source controls in 39-3611 are not applicable under either state or federal law to the SR-HC TMDL for the following reasons: Idaho Code section 39-3611 applies to waterbodies where the applicable water quality standard has not been met due to impacts that

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							occurred prior to 1972. While there may have been significant impacts to the Snake River that occurred prior to 1972, there are also continuing and post-1972 discharges that have contributed and continue to contribute to the non-attainment of state water quality standards. Idaho Code section 39-3611 requires TMDLs be developed in accordance with the federal Clean Water Act. Application of the point source restrictions to the SR-HC TMDL would not comply with the Clean Water Act because if the SR-HC TMDL did not provide for reductions in current loadings from the point sources, the SR-HC TMDL could not assure compliance with state water quality standards and would not comply with the requirement of section 303(d) of the Clean Water Act.
85b	Edward A	Rose	Sorrento Lactalis, Inc.	Indust	N	IDEQ no longer needs the no-net-increase policy for the Snake River – Hells Canyon reach.	If the no-net-increase mentioned is in regard to total phosphorus, this provision will not longer be in effect once the SR-HC TMDL is approved.
85c	Edward A	Rose	Sorrento Lactalis, Inc.	Indust	I	Supportive of the 50 to 70 year implementation time frame.	Thank you for your support, we look forward to your participation in this process.
85d	Edward A	Rose	Sorrento Lactalis, Inc.	Indust	\$	Supportive of the least-cost allocation method.	We are committed to working together to produce a partnership that will result in cost effective implementation strategies that lead to attainment of water quality targets.
86a	Doug	Rowe	Citizen OR	Ag	TMDL	1. Concerned that the document is biased toward agriculture 2. Concerned that the goals of the TMDL have changed since the process started 3. Asked if Idaho Power Company gave money to DEQ and if so, what was the money used for. 4. States that only one voice for agriculture on the PAT is not appropriate representation.	1. We disagree. The document seeks to identify all pollutant sources and does not single out any specific source. 2. The initial goals and the current goals of the SR-HC TMDL are the same: identification of measures necessary to meet water quality criteria in the SR-HC TMDL reach, thereby supporting designated beneficial uses. 3. Idaho Power Company provided funding for a TMDL development position for ODEQ. 4. Please see response to comments from Ron Jones (#36a).
86b	Doug	Rowe	Citizen OR	Ag	N	Suggests that aeration of Brownlee Reservoir would solve many of the water quality problems	Please see response to comments from Russ Hursh (#33c, part 3) and Clint Shock (#45b).
87a	Bill	Sedivy	Idaho Rivers United	Env Int	N, DO	1. Not supportive of the 50 to 70 year implementation time frame. 2. The TMDL does not articulate a sense of urgency	1. Additional text has been added to clarify the reasoning behind the 50 to 70 year target, and add assurance that pollution control mechanisms

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						for reducing phosphorus to targeted levels from nonpoint sources. Fish kills in 1999, 2000, 2001 necessitate that total phosphorus targets be attained more rapidly than outlined. Full implementation should be possible in 20 to 35 years given recent advances in agricultural technology.	will be implemented with all deliberate speed to meet the goal. 2. New advances in technology will be recognized in the BMPs identified for implementation. If they allow the target to be achieved in less than the 50 to 70 year time frame, this is supported by the DEQs.
87b	Bill	Sedivy	Idaho Rivers United	Env Int	S	1. Sediment loads are harmful to fish and transport attached mercury and pesticides. 2. The 40 to 70 year time frame should be cut in half. Education on agricultural and stormwater BMPs should be discussed.	1. We agree. 2. Additional text has been added to clarify the reasoning behind the 50 to 70 year target, and add assurance that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
87c	Bill	Sedivy	Idaho Rivers United	Env Int	T	1. Appropriate water temperature is critical to the health of endangered species below Hells Canyon Dam. This TMDL does far too little to address temperature pollution below Brownlee Reservoir and below Hells Canyon Dam. 2. More detailed analysis of historic data should be included to determine pre-dam frequency of excessive summer and spawning season temperatures. Impoundments most likely increase the frequency of exceedence. 3. Fall temperatures below the dam should be considered more fully and load allocations established to ensure that temperature criteria are attained during spawning periods. 4. The DEQs must make an absolute commitment to not issue a 401 Certification for Hells Canyon, or agree to a new FERC license, until compliance is guaranteed by changes in dam operations.	1. This section has been rewritten to address this concern. 2. There is only a small set of pre-dam temperature data available, this was used in assessment of temperature influences for the SR-HC TMDL. 3. This section has been rewritten to address this concern. 4. It is the intent of ODEQ and IDEQ to support the premise of the 401 Certification to set conditions to meet water quality standards or load allocations whichever is applicable.
87d	Bill	Sedivy	Idaho Rivers United	Env Int	Hg, Pst	Quantified load allocations must be developed for Mercury, DDT and other pesticides in Brownlee Reservoir. Immediate efforts must be made to control contamination through sediment and erosion control.	Load allocations for mercury cannot be developed accurately without load data. Interim efforts, while data is being collected, target sediment and erosion control. Quantitative load allocations have been identified for pesticides. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
87e	Bill	Sedivy	Idaho Rivers United	Env Int	TDG	TDG is a problem below Brownlee and Hells Canyon	Water quality violations for TDG are addressed in

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						Dam. This TMDL is not forceful enough in attempts to address dissolved gas problems. It is inappropriate to delay addressing water quality violations until 401 Certification.	the SR-HC TMDL. Load allocations are identified for Idaho Power Company that will result in compliance with TDG targets that reflect both Idaho and Oregon standards. Load allocations have not been delayed, they are part of the SR-HC TMDL.
87f	Bill	Sedivy	Idaho Rivers United	Env Int	I	The 40 to 70 year time frame does not comply with the Clean Water Act. More aggressive goals should be set.	Additional text has been added to clarify the reasoning behind the 50 to 70 year target, and add assurance that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
88a	Clint	Shock	Citizen OR	Prv Ctz	N	<p>1. Expressed questions about the composition of the organic load to Brownlee Reservoir, the effect of reducing this loading on dissolved oxygen, the benefits of flow augmentation or aeration, and the potential impact of reduced algae concentrations on fish populations.</p> <p>2. Stated that the amount of phosphorus in the river should be assessed from a systems analysis perspective as phosphorus is needed throughout the reservoirs down stream along the Snake River and the Columbia River. Expressed concern about support for biological food chains downstream.</p> <p>3. Questioned inclusion of flood-driven loading in the TMDL.</p> <p>4. Questioned whether geological sources of phosphorus existed in the Malheur and Owyhee watersheds, the associated transport and delivery and effects of agriculture and irrigation in the tributaries.</p> <p>5. Expressed concern about natural concentrations exceeding the target concentrations for total phosphorus.</p> <p>6. Stated that the TMDL did not present convincing evidence for anthropogenic deterioration in river temperature, sediment, P, or biomass.</p>	<p>1. A discussion of the organic loading to Brownlee Reservoir is included in the draft SR-HC TMDL document. Please see response to comments from Russ Hursh (#33c, part 3), Clint Shock (#45e), and Russ Hursh (#33c, part 4).</p> <p>2. We agree that phosphorus is necessary to the Snake and Columbia River systems, however, the current total phosphorus concentrations are excessive and are leading to degradation of water quality. The target levels of total phosphorus identified by the SR-HC TMDL occur elsewhere in the Snake River and support viable fish populations.</p> <p>3. The SR-HC TMDL acknowledges that data is not available for flood-based flows and loads. Flood-driven events have been acknowledged in the SR-HC TMDL to the extent possible. Please see response to comments from Clint Shock (#45e)</p> <p>4. The draft SR-HC TMDL document discussed geologic sources of phosphorus and rock types with phosphorus compounds. Please see response to comments from Carl Hill (#22a, part 1) and Brian Cleaver (#25b).</p> <p>5. Please see response to comments from Carl Hill (#22a, part 1) and Brian Cleaver (#25b).</p> <p>6. We disagree. While the SR-HC TMDL recognizes natural loading to the SR-HC TMDL reach, natural loading is not the sole source of the elevated levels of pollutants currently being discharged into the Snake. This excessive</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
							loading leads to documented violations of water quality standards.
88b	Clint	Shock	Citizen OR	Prv Ctz	S	<p>1. Questioned what sediment mass was delivered to the Snake River at the time of the pioneers, and what has been the effect of agricultural practices and water management on the tributaries since this time.</p> <p>2. Expressed non-support for the seasonal target for total phosphorus due to processing, transport and channel dynamics in the Snake River.</p> <p>3. Questioned if the Snake River drops its sediment load behind Swan Falls Dam and then picks up sediment as it flows through the Treasure Valley.</p>	<p>1. To our knowledge, early pioneers did not collect water quality data so this is unknown. However, if the commentor is aware of data of this kind, it would be welcomed. The influence of agricultural and water management on the tributaries since early settlement is discussed in detail in the draft SR-HC TMDL document.</p> <p>2. We acknowledge that the Snake River is a dynamic system and that changes in the structure of the channel occur. The seasonal target for total phosphorus is based on algae production and is therefore applied during that timeframe when conditions conducive to algae growth occur in the Snake River. We feel that the application of a seasonal target will result in improved water quality within the SR-HC TMDL. A year round target could be applied, but would be more restrictive than currently warranted given our understanding of the system.</p> <p>3. Yes, data available show that this occurs to some extent.</p>
88c	Clint	Shock	Citizen OR	Prv Ctz	T	<p>1. Presented questions regarding the adequacy of “thermal potential studies of the respective sub river basins”.</p> <p>2. Presented questions on the influence of flow alteration from impoundments on tributary and main stream temperatures.</p> <p>3. Questioned how river stabilization has influenced riparian vegetation.</p>	<p>1. The temperature target was based on a thorough evaluation of available data. Please see response to comments from Carl Hill (#22a, part 1) and Brian Cleaver (#25b).</p> <p>2. An in-depth discussion of the changes in hydrology introduced by reservoirs and other impoundments is included in the draft SR-HC TMDL document. The draft SR-HC TMDL document states that the relative anthropogenic temperature influence on tributary systems will be assessed as part of the tributary TMDLs.</p> <p>3. This is acknowledged by the draft SR-HC TMDL document as an unquantified influence on temperature.</p>
88d	Clint	Shock	Citizen OR	Prv Ctz	Hg	<p>1. Expressed concerns and questions regarding the understanding of mercury sources, cycling and analytical techniques available. Concerns and questions were directed at both the SR-HC TMDL reach and at the tributaries discharging to the Snake</p>	<p>1. To the extent possible, mercury has been evaluated within the SR-HC TMDL reach as identified in the SBA and mercury loading analysis. Isotopic studies would potentially aid in this evaluation. We would welcome any data</p>

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>River.</p> <p>2. Questioned how much mercury is currently being loaded onto agricultural lands.</p> <p>3. Requested information on the conditions in Brownlee Reservoir that might aggravate the mobilization of Hg into the food chains.</p> <p>4. Is there any economically feasible approach to control contamination from the natural geological Hg? If not, why have a mercury TMDL?</p> <p>5. Remediation suggestions for Hg in the TMDL may be unsound.</p>	<p>available on this topic.</p> <p>2. We know of no data that would allow an assessment of the magnitude of mercury loading from surface water onto agricultural lands. We welcome any available data on this subject.</p> <p>3. Available information on mercury processing and availability in the Hells Canyon Complex, and the processes that increase transport through the food chain are included in the draft SR-HC SBA and mercury loading analysis.</p> <p>4. TMDLs do not require the reduction of pollutant loading from natural sources. Please see response to comments received from Jesse and Pam White (#16c).</p> <p>5. Comment noted.</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.</p>
88e	Clint	Shock	Citizen OR	Prv Ctz	Pst	<p>Questioned the relative pesticide loading from natural runoff events (flooding and similar occurrences that are a product of nature) and irrigation-induced erosion.</p> <p>2. Questioned what chemical processes result in the mobilization, breakdown and uptake of legacy pesticides.</p>	<p>1. The SR-HC TMDL acknowledges that data is not available for flood-based flows and loads. Please see response to comments received from Clint Shock (#45e).</p> <p>2. A general discussion of these processes and the long-term persistence of DDT and dieldrin in the environment is included in the draft SR-HC TMDL. Additional information on this subject may be found in the cited references in the draft SR-HC TMDL document.</p>
88f	Clint	Shock	Citizen OR	Prv Ctz	O	Expressed concern about the support for a seasonal total phosphorus target by municipalities. Expressed non-support for a seasonal total phosphorus target.	The information available to the SR-HC TMDL indicate supports a seasonal total phosphorus TMDL as described in section 3.2 of the draft SR-HC TMDL. In many if not most cases, mechanisms implemented for the reduction of phosphorus loading from municipal systems operate effectively year-round.
89	Paul A	Stevens	City of Payette	Muni	O	The City of Payette requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
90a	David	Suming	Citizen ID	Prv Ctz	N	Nutrient loading from agricultural land use is substantial.	We acknowledge that agricultural land use is a source of nutrient loading to the SR-HC TMDL, however, it is the finding of the SR-HC TMDL that all sources of pollutant loading to the SR-HC TMDL reach must work together to reduce loading. The water quality problems identified are not solely that result of agricultural practices.
90b	David	Suming	Citizen ID	Prv Ctz	S	Sediment loading from agricultural land use is substantial.	We acknowledge that agricultural land use is a source of sediment loading to the SR-HC TMDL, however, it is the finding of the SR-HC TMDL that all sources of pollutant loading to the SR-HC TMDL reach must work together to reduce loading. The water quality problems identified are not solely that result of agricultural practices.
90c	David	Suming	Citizen ID	Prv Ctz	I	Not supportive of the 50 to 70 year time frame identified for implementation.	Additional text has been added to the document to identify the reasoning behind this time frame, and to clarify that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
90d	David	Suming	Citizen ID	Prv Ctz	O	Misuse of waters and associated drainage lands by the agricultural community is a substantial threat to water quality in local rivers and the rivers they flow into.	It is the finding of the SR-HC TMDL that all sources of pollutant loading to the SR-HC TMDL reach must work together to reduce loading. The water quality problems identified are not solely that result of agricultural practices.
90a	Dave	Tuning	Citizen ID	Prv Ctz	N	Co-signature to comments from David Suming (#90)	Please see response to comments from David Suming (#90)
90b	Dave	Tuning	Citizen ID	Prv Ctz	S	Co-signature to comments from David Suming (#90)	Please see response to comments from David Suming (#90)
90c	Dave	Tuning	Citizen ID	Prv Ctz	I	Co-signature to comments from David Suming (#90)	Please see response to comments from David Suming (#90)
90d	Dave	Tuning	Citizen ID	Prv Ctz	O	Co-signature to comments from David Suming (#90)	Please see response to comments from David Suming (#90)
91a	Peter S	Test	Oregon Farm Bureau Federation	Ag	TMDL	<ol style="list-style-type: none"> 1. OFBF is concerned that the TMDL was developed in a vacuum. 2. OFBF is concerned that the TMDL shows a bias against agriculture. 3. There is a lack of reference materials to support this document. 4. Nonpoint sources are not to be allocated loads, loads are to be attributed to nonpoint sources. 5. OFBF agrees with and supports the comments submitted by Pat Phillips (#78), and the Pat Larsen 	<ol style="list-style-type: none"> 1. The SR-HC TMDL was developed according to the required public process. 2. The SR-HC TMDL does not show a bias against agriculture. It was developed by evaluating all pollutant sources in the watershed. 3. The reference list is very extensive, comprising more than 20 pages. If there are specific references you feel are missing, please bring this to our attention. 4. The DEQs disagree. Both the DEQs and the

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						(#73). 6. The TMDL must be revised to accept all scientific information including local information.	EPA believe that the Clean Water Act and EPA's regulations require TMDLs to be established for water quality impaired water bodies regardless of whether the source of the pollutants is point sources, nonpoint sources or both. See CWA Section 303; 40 CFR 130.7; ORS 468B.035; ORS 468B.110. In addition, the Clean Water Act does not limit a state's efforts with respect to the establishing of TMDLs, it merely establishes certain minimum requirements. CWA Section 510. By statute, DEQ is authorized to take actions that are necessary or desirable to prevent water pollution or protect water quality. ORS 468B.010 to 468B.020. 5. Comment noted. Please see response to comments submitted by Pat Phillips (#78) and Pat Larsen (#73). 6. The data assessed for the SR-HC TMDL includes local information. If there is specific local information that you wish us to include, please provide us with a copy.
91b	Peter S	Test	Oregon Farm Bureau Federation	Ag	N	The TMDL ignores strong evidence that natural phosphorus loading is occurring at concentrations greater than the identified targets.	Please see response to comments from Carl Hill (#22a, part 1) and Roger Findley (#27a, part 1).
92a	Jim	Truesdell	Canyon Soil Conservation District	Agency	Hg	1. Seed treatment mercury should be removed as a potential source as no loading has been identified. 2. Mercury problems are due mainly to mining and natural sources. 3. Point source/legacy cleanup should be highest priority. 4. Expressed concerns about the level of data support for the discussion of seed treatment related mercury. EPA FIFE may be a source of information on this subject. 5. Load should be calculated for moderate to high sources of mercury. 6. Text does not provide adequate information on regulatory or cleanup efforts. 7. Does DEQ propose to assess river and reservoir bed sediments for mercury? 8. References to reductions in mercury loading due to discontinuance of seed treatments and improvements	1. The statement does not say that residual mercury in agricultural soils <u>is</u> contributing to loading, it says it <u>may be</u> contributing. Potential loading is acknowledged as minimal. In order to be conservative, we cannot ignore a potential source unless there is data that shows it is not a concern. If data are available, we would appreciate a citation of the data source so it can be reviewed. 2. We agree. The SR-HC SBA and mercury loading analysis specifically recognize this. 3. Legacy mining is identified as the highest priority. 4. Thank you for your suggestion of a data source. 5. Where data are insufficient, loads cannot be calculated. Therefore, relative levels of loading were estimated from the information available.

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>in mining practices should be removed or clarified to give a better sense of relative proportion.</p> <p>9. What is the status of the current mercury loading?</p> <p>10. It appears that little will be done to address natural or legacy mining sources. We suggest that the DEQs rethink this.</p> <p>11. How will improvement in seed treatment sources be measured?</p> <p>12. Nonpoint source mercury should be dropped from reduction efforts and only monitoring required.</p>	<p>6. Implementation measures will be discussed in detail in the implementation plans prepared within 18 months of the approval of the SR-HC TMDL.</p> <p>7. Not at this time. The most pressing data gap is water column concentration data. That will be the first priority.</p> <p>8. Clarification has been made.</p> <p>9. As stated in the SR-HC SBA and mercury loading analysis document, loading cannot be calculated at this time due to lack of water column data. Loading will be calculated when water column data has been collected.</p> <p>10. This is incorrect. As recognized above, legacy mining is the highest priority for implementation. Natural sources will not be required to reduce.</p> <p>11. Please see response to comments from Larry Heidbrink (#31c, part 2).</p> <p>12. Legacy mining is considered a nonpoint source. It would be irresponsible to allow this to be dropped from required reduction efforts. Please see response to comments from Larry Heidbrink (#31c, part 2).</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.</p>
92b	Jim	Truesdell	Canyon Soil Conservation District	Agency	N	<p>1. The total phosphorus target should be evaluated for attainability and appropriateness. A cost benefit analysis should be conducted for this target.</p> <p>2. Requested clarification on the discussion of work done in the Blackfoot River area.</p> <p>3. Stated that values below the detection limit should be assigned a value of half the detection limit.</p> <p>4. Offered some considerations regarding when the NAP ratio may be less of an indicator, suggested that more detailed maps of the area would be helpful in understanding the system, and suggested that differences may be due to the relative number of data points available.</p> <p>5. Reservoir management and structural influences</p>	<p>1. Please see responses to comments from Carl Hill (#22a, part 1) and Roger Findley (#27a, part 1). A cost benefit analysis can be included in the implementation plan.</p> <p>2. This section has been rewritten for further clarification.</p> <p>3. Comment noted.</p> <p>4. The information presented is appreciated and has been considered in the revision of the document.</p> <p>5. Reservoir management and structural influences were considered in the SR-HC TMDL to the extent possible.</p> <p>6. We disagree. However, we will continue to</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>should be considered in the TMDL.</p> <p>We suggest a winter study to determine if a winter algae load may be occurring and not well documented.</p> <p>6. Supporting information is not adequate to identify a seasonal target.</p> <p>7. A year round assessment of nutrient dynamics in the system should be completed.</p> <p>8. A seasonal target will place the burden on summertime sources. Pollution discharged in the winter is still pollution.</p> <p>9. Will the point sources pay agriculture to reduce?</p> <p>10. The document is not complete as to what point source discharges will be required to do.</p>	<p>collect data and will revise the SR-HC TMDL if the seasonal target is shown to be inadequate.</p> <p>7. A year-round assessment was completed. The current critical period of May through September for total phosphorus loading is a product of this assessment.</p> <p>8. If the total phosphorus target were applied year round, agriculture would still have to reduce the loading for which they are responsible. Targets would have to be met in the summer months to the same degree as the draft SR-HC TMDL currently identifies. A year round target would not result in a lower reduction requirement for agriculture. Because the target is based on limiting algae growth, other conditions such as light intensity, water temperature, phosphorus form, flow velocity, and residence time play a role. Pollution discharged in the winter is still pollution, but may not result in the same level of detrimental effect as pollution discharged in the summer time.</p> <p>9. Pollutant trading represents a way that point sources could potentially pay agriculture to reduce.</p> <p>10. The document states that reductions equivalent to biological removal will be required of the mechanical plants discharging to the Snake River. This represents an 80% reduction in loading, similar to or greater than the reductions required of nonpoint sources.</p>
92c	Jim	Truesdell	Canyon Soil Conservation District	Agency	Pst	<p>1. Expressed concerns regarding the pesticide listing status, small available data set, identification of potential sources and TMDL protocols.</p> <p>2. Expressed concern that this action is unnecessary given the lack of data available. System should be better studied and then action taken if warranted.</p> <p>3. More data should be collected before implementation actions are mandated.</p> <p>4. Other DDT watershed studies should be researched. Agricultural agencies should be consulted on monitoring, implementation, assessment, data review and other pertinent subjects.</p> <p>5. If water bodies continue to be listed, we</p>	<p>1. Water quality standards exist for the pesticides of concern, guidance on fish tissue concentrations exists, if there is a demonstrated concern, either that shows water quality violations of exceedence of an action limit, it would be irresponsible to not take some action to address the problem.</p> <p>2-3. Both water column and fish tissue targets are being applied in the SR-HC TMDL. The SR-HC TMDL acknowledges the need for additional water column data and identifies this as a data gap. Water column data will be collected during the first 5 year phase of the SR-HC TMDL. The exceedences observed indicate that pesticide</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						recommend degradation modeling for pesticides listed in this TMDL.	levels are of concern for chronic exposure. Therefore, to delay action until the collection of water column data was complete would be irresponsible. Additionally, as control mechanisms for agriculture to reduce pesticide transport will consist of those mechanisms needed to control sediment , no further controls on agriculture, specific to pesticides, other than good stewardship practices are indicated at this time. These management practices are not limited to agricultural lands, and should be in place regardless of whether or not there is a concern for legacy pollutant transport. The SR-HC TMDL specifically identifies monitoring to fill data gaps as a priority goal, however, it is not a reason to delay doing what is reasonable. 4. Other DDT TMDL processes were researched as part of this effort. We welcome your experience and participation in this effort. 5. We would appreciate your help in such an effort.
92d	Jim	Truesdell	Canyon Soil Conservation District	Agency	O	1. We recommend that the TMDL contain an assessment of the options available for altering reservoir functions. 2. We recommend that DEQ assess human waste components from septic systems and other related systems.	1. This is outside the scope of the SR-HC TMDL. 2. If there is data available on this subject, we would appreciate the opportunity to review it.
93		Duplicate comment				Duplicate copy of comments submitted - Removed from list	
94	Dale B	Wilhansen	City of New Plymouth	Muni	O	The City of New Plymouth requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
95	Karyn	Wood	Wallowa-Whitman National Forests	Agency	N	Stated that recent air quality monitoring in the SR-HC TMDL reach in the Hells Canyon Complex identified nitrogen deposition, and, to a lesser degree, sulfur and phosphorus deposition. Questioned whether nutrient declines through the Hells Canyon Complex were accounted for by sedimentation or if volatile forms may be released into the air as a product of anaerobic decomposition. Given this framework,	Phosphorus control in the SR-HC TMDL reach is identified because of its role in contributing to conditions that cause water quality violations (namely algae and dissolved oxygen concerns). Controlling phosphorus as identified in the SR-HC TMDL is projected to meet water quality standards. If data is available that shows that nitrogen is contributing to water quality problems

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						questioned why the TMDL does not call for adequate monitoring of nitrogen within the Snake River system. Discussed risks due to excessive nitrogen levels in the form of total ammonia. Recommended that biweekly measurement of nitrogen, ammonia, phosphorus and algae be added.	that will not other wise be controlled by total phosphorus reductions, please provide us with this information so it can be evaluated in the context of the SR-HC TMDL.
96a	Ronald S	Yockim	Harney County Court	Loc Gov	TMDL	1. The Harney County Comprehensive Plan Water Element should be referenced in the TMDL. 2. Listed contacts for flood irrigation and other agricultural practice-induced cooling. 3. Wild flood irrigation systems are more commonly used in the upper Malheur River system than furrow irrigation. These practices result in higher water tables and substantial return flows that act to lower water temperature.	1. Thank you for the information. This has been referenced. 2. We sincerely appreciate this information. 3. This has been acknowledged in the SR-HC TMDL.
96b	Ronald S	Yockim	Harney County Court	Loc Gov	T	1. Identified documents that contain historic water temperatures and flows in the Malheur drainage and adjacent area that demonstrate wide fluctuation over time. 2. The influence of hot springs in the Malheur River should be included in the TMDL.	1. We sincerely appreciate this information. Historic data is difficult to come by. 2. The influence of hot springs in the Malheur River has been included in the SR-HC TMDL.
97a	Charles	Chadez	Owyhee Soil Conservation District	Ag	Hg	1. Liquid mercury was used prior to 1970, vapor mercury was used prior to 1978. Statement regarding use until 1980 is incorrect. 2. The statement that residual mercury in agricultural soils may be contributing to loading should be removed unless there is proof. 3. No data is available to show what levels of mercury are coming from agricultural lands. 4. Seed treatment loading should be described as unknown – assumed small. 5. Seed treatment mercury should be removed as a potential source as no loading has been identified. 6. Mercury problems are due mainly to mining and natural sources. 7. Point source/legacy cleanup should be highest priority. 8. Expressed concerns about the level of data support for the discussion of seed treatment related mercury. EPA FIFRA may be a source of information on this subject. 9. Load should be calculated for moderate to high	1. We appreciate this information but need the source of this data. 2. The statement does not say that residual mercury in agricultural soils <u>is</u> contributing to loading, it says it <u>may be</u> contributing. Potential loading is acknowledged as minimal. In order to be conservative, we cannot ignore a potential source unless there is data that shows it is not a concern. If data are available, we would appreciate a citation of the data source so it can be reviewed. 3. We agree. Data in this area are limited. This is acknowledged in the SR-HC SBA and mercury loading analysis. 4. Change has been made as suggested. 5. The statement does not say that residual mercury in agricultural soils <u>is</u> contributing to loading, it says it <u>may be</u> contributing. Potential loading is acknowledged as minimal. In order to be conservative, we cannot ignore a potential source unless there is data that shows it is not a

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>sources of mercury.</p> <p>10. Text does not provide adequate information on regulatory or cleanup efforts.</p> <p>11. Does DEQ propose to assess river and reservoir bed sediments for mercury?</p> <p>12. References to reductions in mercury loading due to discontinuance of seed treatments and improvements in mining practices should be removed or clarified to give a better sense of relative proportion.</p> <p>13. What is the status of the current mercury loading?</p> <p>14. It appears that little will be done to address natural or legacy mining sources. We suggest that the DEQs rethink this.</p> <p>15. How will improvement in seed treatment sources be measured?</p> <p>16. Nonpoint source mercury should be dropped from reduction efforts and only monitoring required.</p>	<p>concern. If data are available, we would appreciate a citation of the data source so it can be reviewed.</p> <p>6. We agree. The DEQs specifically recognize mining, natural and air deposition sources as primary sources in the SR-HC TMDL reach.</p> <p>7. Legacy mining is identified as the highest priority.</p> <p>8. Thank you for your suggestion of a data source.</p> <p>9. Where insufficient data is available, loads cannot be calculated. Therefore, relative levels of loading were estimated from the information available.</p> <p>10. Implementation measures will be discussed in detail in the implementation plans prepared within 18 months of the approval of the SR-HC mercury TMDL.</p> <p>11. Not at this time. The most pressing data gap is water column concentration data. That will be the first priority.</p> <p>12. Clarification has been made.</p> <p>13. As stated in the SR-HC SBA and mercury loading analysis, loading cannot be calculated at this time due to lack of water column data. Loading will be calculated when water column data has been collected.</p> <p>14. This is incorrect. As recognized above, legacy mining is the highest priority for implementation. Natural sources will not be required to reduce.</p> <p>15. Please see response to comments from Larry Heidbrink (#31c, part 2).</p> <p>16. Legacy mining is considered a nonpoint source. It would be irresponsible to drop this source from required reduction efforts. Please see response to comments from Larry Heidbrink (#31c, part 2).</p> <p>The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted</p>

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							per Oregon's schedule for TMDL development.
97b	Charles	Chadez	Owyhee Soil Conservation District	Ag	N	<p>1. The total phosphorus target should be evaluated for attainability and appropriateness. A cost benefit analysis should be conducted for this target.</p> <p>2. Requested clarification on the discussion of work done in the Blackfoot River area.</p> <p>3. Stated that values below the detection limit should be assigned a value of half the detection limit.</p> <p>4. Offered some considerations regarding when the N:P ratio may be less of an indicator, suggested that more detailed maps of the area would be helpful in understanding the system, and suggested that differences may be due to the relative number of data points available.</p> <p>5. Reservoir management and structural influences should be considered in the TMDL.</p> <p>We suggest a winter study to determine if a winter algae load may be occurring and not well documented.</p> <p>6. Supporting information is not adequate to identify a seasonal target.</p> <p>7. A year round assessment of nutrient dynamics in the system should be completed.</p> <p>8. A seasonal target will place the burden on summertime sources (agriculture). Pollution discharged in the winter is still pollution.</p> <p>9. Will the point sources pay agriculture to reduce?</p> <p>10. The document is not complete as to what point source discharges will be required to do.</p> <p>11. Expressed concerns about the description of the Blackfoot River watershed, TMDL and implementation/progress that has occurred. Fischer, P. reference is incorrect. No personal communication occurred.</p>	<p>1. Please see responses to comments from Carl Hill (#22a, part 1) and Roger Findley (#27a, part 1). A cost benefit analysis can be included in the implementation plan.</p> <p>2. This section has been rewritten for further clarification.</p> <p>3. Comment noted.</p> <p>4. The information presented is appreciated and has been considered in the revision of the document.</p> <p>5. Reservoir management and structural influences were considered in the SR-HC TMDL to the extent possible.</p> <p>6. We disagree. However, we will continue to collect data and will revise the SR-HC TMDL if the seasonal target is shown to be inadequate.</p> <p>7. A year-round assessment was completed. The current critical period of May through September for total phosphorus loading is a product of this assessment.</p> <p>8. We disagree. If the total phosphorus target were applied year round, agriculture would still have to reduce the loading for which they are responsible. Targets would have to be met in the summer months to the same degree as the draft SR-HC TMDL currently identifies. A year round target would not result in a lower reduction requirement for agriculture. Because the target is based on limiting algae growth, other conditions such as light intensity, water temperature, phosphorus form, flow velocity, and residence time play a role. Pollution discharged in the winter is still pollution, but may not result in the same level of detrimental effect as pollution discharged in the summer time.</p> <p>9. Pollutant trading represents a way that point sources could potentially pay agriculture to reduce.</p> <p>10. The document states that reductions equivalent to biological removal will be required of the mechanical plants discharging to the Snake</p>

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
							River. This represents an 80% reduction in loading, similar to or greater than the reductions required of nonpoint sources. 11. This section has been rewritten for further clarification.
97c	Charles	Chadez	Owyhee Soil Conservation District	Ag	Pst	<p>1. Expressed concerns regarding the pesticide listing status, small available data set, identification of potential sources and TMDL protocols.</p> <p>2. Expressed concern that this action is unnecessary given the lack of data available. System should be better studied and then action taken if warranted.</p> <p>3. More data should be collected before implementation actions are mandated.</p> <p>4. Other DDT watershed studies should be researched. Agricultural agencies should be consulted on monitoring, implementation, assessment, data review and other pertinent subjects.</p> <p>5. If water bodies continue to be listed, we recommend degradation modeling for pesticides listed in this TMDL.</p>	<p>1. Water quality standards exist for the pesticides of concern, guidance on fish tissue concentrations exists, if there is a demonstrated concern, either that shows water quality violations of exceedence of an action limit, it would be irresponsible to not take some action to address the problem.</p> <p>2-3. Both water column and fish tissue targets are being applied in the SR-HC TMDL. The SR-HC TMDL acknowledges the need for additional water column data and identifies this as a data gap. Water column data will be collected during the first 5 year phase of the SR-HC TMDL. The exceedences observed indicate that pesticide levels are of concern for chronic exposure. Therefore, to delay action until the collection of water column data was complete would be irresponsible. Additionally, as control mechanisms for agriculture to reduce pesticide transport will consist of those mechanisms needed to control sediment. No further controls on agriculture, specific to pesticides, other than good stewardship practices are indicated at this time. These management practices are not limited to agricultural lands, and should be in place regardless of whether or not there is a concern for legacy pollutant transport. The SR-HC TMDL specifically identifies monitoring to fill data gaps as a priority goal, however, it is not a reason to delay doing what is reasonable.</p> <p>4. Other DDT TMDL processes were researched as part of this effort. We welcome your experience and participation in this effort.</p> <p>5. We would appreciate your help in such an effort.</p>
97d	Charles	Chadez	Owyhee Soil	Ag	O	1. We recommend that the TMDL contain an	1. This is outside the scope of the SR-HC TMDL.

					B=bac, p=pH, TDG=total dissolved gas, T=temperature, Pst = pesticides, S=sediment, N=nutrients, Hg=mercury, O=other, I=Implementation, \$=cost, TMDL=TMDL process, e=edit, ?=unknown		
No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
			Conservation District			assessment of the options available for altering reservoir functions. 2. We recommend that DEQ assess human waste components from septic systems and other related systems.	2. If there are data available on this subject, we would appreciate the opportunity to review it.
97e	Charles	Chadez	Owyhee Soil Conservation District	Ag	TMDL	1. Sand Hollow needs to be put on the maps. 2. Question about data source for agricultural land use. 3. Ranchettes should be removed from Table 2.5.1. 4. Wild horses should be added to discussion of negative impacts from deer and elk. 5. No implementation for agriculture restores to natural conditions because we don't know what natural conditions are. 6. The life span of best management practices varies from practice to practice and is site-specific. 7. The general water quality management plan incorrectly identifies the percentage of the state of Oregon that drains to the Snake River. 8. For consistency, bullets should be deleted under agricultural runoff in the Implementation Plan for Idaho. 9. Provided information about the WQPA program. 10. Provided information about best management practice tracking.	1. Change has been made as appropriate. Specific text has been added to acknowledge that Sand Hollow is included in the SR-HC TMDL drainage. 2. Data is from GIS coverage available from the states of Idaho and Oregon. 3. Change has been made as suggested. 4. Change has been made as suggested. 5. Point well taken, changes have been made in text to more clearly describe reduced anthropogenic impacts. 6. Change has been made as suggested. 7. This has been corrected in the SR-HC TMDL document. 8. Change has been made as recommended. 9. This information has been added to the document. 10. This information has been added to the document.
98	Bob	Flowers	City of Parma	Muni	O	The City of Parma requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
99	Thomas E	Limbaugh	City of Fruitland	Muni	O	The City of Fruitland requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
100a	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	TMDL	1. Expressed concern with the manner in which the DEQs have segmented the River for purposes of the TMDL. There does not appear to be enough interconnectedness in the analyses. 2. The SR-HC TMDL and implementation plan must analyze upstream TMDLs in detail and how those TMDLs relate to the SR-HC TMDL. Unfortunately, the	1. This segmentation is based on differences in hydrology and listing. It retains connectivity throughout the system while allowing acknowledgement of hydrologic differences. 2. The assessment of water quality conditions in the upstream drainages is not within the scope of the SR-HC TMDL. This SR-HC TMDL was written

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>SR-HC TMDL appears to focus on the potential benefits from other TMDL-derived load reductions instead of recognizing the potential shortcomings of those TMDLs and how this may affect the SR-HC TMDL analysis.</p> <p>3. Finally, NEDC, HCPC, ONDA, and CRK want to stress the importance of this TMDL as part of the FERC relicensing for the Hells Canyon Complex and its associated CWA 401 certification.</p> <p>4. We agree that the DEQs must apply the most stringent water quality standards from either Idaho or Oregon to this TMDL. However, the TMDL lacks sufficient discussion of protection of beneficial uses, particularly threatened or endangered species in regards to species recovery. The draft TMDL does not recognize that salmonids need low temperatures at all stages. On several occasions the TMDL applies cool or cold water criteria instead of evaluating and applying the specific criteria relevant to salmonids (spawning, rearing, etc.). The TMDL merely notes that it will do as much as possible to be in compliance with the ESA. This lack of specificity is not sufficient to meet the requirements of the law or fully evaluate the scientific underpinnings of the TMDL.</p> <p>5. Expressed concerned with the DEQs' application of water quality criteria. Table 2.2.2 documents the standards the DEQs have selected for the given pollution parameters at issue. Table 2.2.1 documents the respective standards of each state for applicable pollution parameters. However, instead of keeping the parameters and standards segregated as they are for each state in Table 2.2.1, the DEQs have combined parameters and standards in Table 2.2.2. In addition, some parameters have dropped out and Table 2.2.2 does not reflect the most stringent applicable standard.</p> <p>13. Antidegradation Policies: There is no mention in the water quality standards section of either state's antidegradation policies. Antidegradation policies are an integral part of state water quality standards and the CWA.</p> <p>14. Warm Water Conditions: Until the imposition of</p>	<p>for current conditions in the mainstem Snake River. Tributary TMDL efforts will be incorporated in the review process as appropriate, but it is not the responsibility of the SR-HC TMDL to assess water quality in the tributary drainages.</p> <p>3. We recognize the potential of the findings and recommendations of the SR-HC TMDL to be used in other, ongoing processes. However, it is the responsibility of the SR-HC TMDL to meet the requirements identified in the Clean Water Act and associated state and federal policy, not to address the needs of the FERC or 401 Certification processes.</p> <p>4. We believe that the targets identified by the SR-HC TMDL will meet water quality standards and will therefore be protective of the designated beneficial uses within the SR-HC TMDL reach. This SR-HC TMDL is written specific to the existing system, not those scenarios that could or may occur in the future.</p> <p>5. Standards identified in Table 2.2.2 are state criteria from Idaho and Oregon. Standards have not dropped out of Table 2.2.2, rather, a stringency analysis was performed to determine which standard was the most stringent. This most stringent criteria is recorded in Table 2.2.2 as the water quality target for the SR-HC TMDL.</p> <p>13. Antidegradation Policies do not apply by definition.</p> <p>14. The SR-HC TMDL is written for the existing system.</p> <p>15. This SR-HC TMDL is written for the system as it exists today.</p> <p>16. We feel that the targets identified in the SR-HC TMDL are protective of endangered species.</p> <p>17. Appropriate changes have been made.</p> <p>18. Irrigation ditches, canals, and ponds in the state of Oregon are under Senate Bill 1010 and as such are administered by Oregon Department of Agriculture. We do not agree with the request to remove the statements that properly managed land uses will not result in pollutant loading to the</p>

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						<p>dams, the associated reservoirs on the Snake, livestock grazing, and highly-irrigated agriculture, the River and its tributaries did not host the number and type of warm water species and activities that exist today. We believe that the policy direction and substance of the ESA and the Clean Water Act--and an underlying social and moral obligation to protect and enhance the remnants of a once healthy, bountiful, and wild Snake River system--should compel the DEQs to manage for the natural cool/cold water, flow dependant conditions of the Snake system to the greatest extent possible.</p> <p>NEDC, HCPC, ONDA, and CRK oppose the warm-water management approach contemplated for this TMDL.</p> <p>15. Fish Passage: The document excuses the lack of fish passage above the dam by stating that because the structure was in place when this use was designated, it must be mere "oversight" that this use was written to apply upstream from the dam and thus implicate this TMDL. The lack of fish passage is a human failure and this use should not now be excused through a re-interpretation that concludes "administrative oversight".</p> <p>16. Endangered Species Protection: While NEDC, HCPC, ONDA, and CRK recognize that this TMDL will not result in the restoration of salmon and steelhead populations above Hells Canyon Dam, we do believe that the DEQs (and the EPA) have the responsibility to ensure that this TMDL meets section 7(a)(1) and (2) of the ESA. This not only implicates the ESA's "no jeopardy" standard but also its conservation standard. Under the ESA, conservation equates to recovery. We believe that this TMDL can and must make efforts to accommodate the needs of listed species.</p> <p>17. Recreation: The SR-HC TMDL states, "Recreation within the SR-HC reach historically included many of the same opportunities available today." See SR-HC TMDL at 41. This statement is a gross-misrepresentation these activities have been drastically altered from what historically existed.</p> <p>18. Most of the water quality threats and pollution</p>	<p>water system.</p> <p>19. This section has been rewritten to clarify this issue and reduce the probability for misinterpretation.</p> <p>20 Under EPA guidance, CAFOs/AFOs are not allowed to discharge except for uncontaminated stormwater. Stormwater has been addressed under nonpoint source load allocations. CAFO/AFOs specific information requested is addressed under the agriculture plans.</p> <p>21. Dams: The DEQs have evaluated and disclosed impacts from the impoundments. This evaluation identified a decreased assimilative capacity necessitating an additional 1,125 tons of dissolved oxygen in Brownlee Reservoir. This is the responsibility of Idaho Power Company and will be enforced through the 401 Certification process.</p> <p>22. Comment is noted.</p> <p>23. We appreciate your comment. To our knowledge, there are no combined systems (sewage and stormwater) in the area.</p> <p>24. To the extent possible, this has been accomplished. Further data will be collected as part of the site specific TMDLs.</p> <p>25. We agree. This will be addressed as part of the individual water quality management plans.</p> <p>26. We are not aware of active mining occurring at this time in the SR-HC TMDL reach. This will be addressed where it occurs in the other TMDLs for the Snake River system.</p> <p>27. The SR-HC TMDL process has no authority under the Clean Water Act to address flow.</p> <p>29. This SR-HC TMDL has been written specific to the water quality needs of the mainstem Snake River in the SR-HC TMDL reach. We are committed to its implementation.</p> <p>30. The pesticide TMDL has been rewritten to include bulk load allocations. In the case of mercury, load and wasteload allocations will be established as appropriate when water column data has been collected so that loading to the</p>

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						<p>problems within the SR-HC reach--and Snake system in general--come from non-point sources. One question relates to irrigation ditches, canals, and ponds. Do the DEQs intend to treat these manmade confinements as point or non-point sources? In the discussion of Nonpoint Sources (2.5.3), the document reads, "It should be kept in mind that these land use practices [agriculture, silviculture, mining, recreation, etc.], when managed in a responsible and conscientious fashion <u>do not</u> result in decreased water quality." Further, there is considerable language throughout the TMDL indicating that certain activities such grazing and agriculture practices can be done in an environmentally safe way. We do not support these statements and recommend that they should be stricken from the document.</p> <p>19. In discussing Point Source Pollution (2.5.2), the SR-HC TMDL states, "And no data exists for some of the permitted substances to indicate their existence or negative effects." SR-HC TMDL at 189. Given that some of these permitted substances include toxic substances, deleterious materials, oil and grease, and chlorine, the lack of data to evaluate discharge levels and potential effects is troubling.</p> <p>20. While the SR-HC TMDL mentions the existence of AFOs within the SR-HC reach, we find the discussion of this pollution source scant. Even more absent is a discussion of CAFOs as a point-source pollutant. Please respond to this concern by indicating whether CAFOs exist in areas within the scope of this TMDL, how many are permitted, what is the existing management scheme, what is the significance of these sources. The DEQs should account for both the current as well as future existence and impacts of these two specific categories of operations (both AFOs and CAFOs) in the SR-HC TMDL. Waste management treatments/plans should exist in order to control discharges and best management practices have been established.</p> <p>21. Dams: The SR-HC TMDL, and Implementation plan should treat the three dams that comprise the Hells Canyon Complex with specificity as point</p>	<p>system can be quantified. Load and waste load allocations specific to new application have been identified as zero.</p> <p>31. We do not agree. It is the opinion of the DEQs that the SR-HC TMDL fulfills the requirements of the Clean Water Act and associated state and federal policy. We have addressed the noted concerns and recommendations and made changes to the extent appropriate.</p>

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						<p>sources of pollution. The DEQs should evaluate and disclose the impacts from the dams. The impacts addressed should include elevated water temperature, nutrient loading (algal blooms), dissolved gas concerns, flow modification, habitat modification, and the trapping of sediments that would have naturally been available beach formation. The DEQs should also acknowledge that the dams provide no fish passage and have thus adversely affected recreational opportunities by blocking fish habitat and removing certain types of fishing opportunities. This TMDL and WQMP should assess load allocations for the affected dams and specify what changes are needed in dam management ion order to meet CWA requirements for the SR-HC reach.</p> <p>22. The SR-HC TMDL defines sediment and nutrients as the primary pollution concerns associated with agriculture. The document also identifies related pollutant concerns in the form of <u>chemical-use</u> and <u>temperature</u> increases. NEDC, HCPC, ONDA, and CRK urge the DEQs to focus heavily on all the pollution parameters related to agricultural uses, not just on the primary pollutants. In addition, grazing, cropping and irrigation are all causally linked to conditions causing violations of the water temperature parameter.</p> <p>23. NEDC, HCPC, ONDA, and CRK are encouraged to see the DEQs inclusion of a good representative spectrum of urban/suburban and recreational sources of water quality pollutants. The recognition of the impacts of impervious surfaces on water quality is good to see. In addition, the document states that most major municipalities have stormwater management plans in place or in progress. Does this mean that the municipalities have separated their sewage and stormwater systems and have adequate capacity to handle large storm events? Measures should be taken to 1) separate sewage and stormwater systems where needed, 2) increase treatment/storage capacity where needed, and 3) treat impervious surface runoff from areas.</p> <p>24. With respect to recreational impacts, NEDC,</p>	

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>HCPC, ONDA, and CRK are again encouraged by the thoroughness of the sources analyzed. The DEQs should fully assess the impacts of roads in the SR-HC TMDL</p> <p>25. NEDC, HCPC and ONDA believe that the DEQs should address impacts from jet boats in the free-flowing river below Hells Canyon Dam and other powerboat activities in the reservoirs. Jet boat and other motorized boat activity in the SR-HC system contribute significantly to bank erosion, sedimentation, and direct chemical pollution of the area. In a canyon as steep as Hells Canyon, sand bars and riparian vegetation are limited and should be protected and enhanced to the fullest extent.</p> <p>26. The assessment of this activity focuses only on its potential as a source of mercury. The DEQs should not ignore the relationship of mining activity to sedimentation and nutrient inputs. Mining also involves related activities such as road building and use, which impact water quality.</p> <p>27. NEDC, HCPC, ONDA, and CRK feel that providing greater instream flows is the key to unlocking many existing water quality problems. Although the SR-HC TMDL discusses flows in relation to other pollution parameter violations, the document does not indicate that the TMDL and Implementation Plan will take actions to directly improve flows. Irrigation recharge may be a significant source of flows, but irrigation is an equally if not more significant source of flow reduction and the attendant water quality problems.</p> <p>29. NEDC, HCPC and ONDA are further concerned with the connection between this TMDL and future tributary TMDLs. The DEQs must better explain this process and make the necessary commitment to follow through and make changes to load allocations assigned to the mouths of tributaries if those TMDLs do not achieve desired goals.</p> <p>30. Finally, the action plans are inadequate generally and at least two are woefully inadequate. Although we understand the difficulty of dealing with legacy activities, such difficulty does not absolve the DEQs</p>	

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						from addressing how the TMDL will approach or improve upon pesticide and mercury loads. 31. NEDC, HCPC, ONDA, and CRK recognize the difficulty involved in developing a TMDL of this nature (e.g.; size, significant non-point source issues, and trans-boundary), however, we are concerned that this draft TMDL and WQMP are less than adequate. In order to achieve water quality standards in the SR-HC reach, we believe the DEQs must address the weaknesses and concerns identified in these comments.	
100b	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	N, DO	1. Dissolved oxygen: the TMDL does not mention application of Oregon's salmon spawning dissolved oxygen criteria of 11.0 mg/L. Absent anthropogenic sources, the entire Snake River would be a cold water community. Therefore, the DEQs should require the cold water standard throughout the entire study area. 2. Nutrients: The DEQs should determine whether Idaho narrative or Oregon's numeric criteria for nutrients/nuisance algae is more protective.	1. Dissolved oxygen: dissolved oxygen is not listed in the SR-HC TMDL reach below Hells Canyon Dam where salmonid spawning is designated to occur. The SR-HC TMDL is written to address the uses and sources present from 1975. The Hells Canyon Complex was in place at that time. Were different uses to be established, they would be protected in future iterations of the SR-HC TMDL. 2. Nutrients: Neither state has a numeric criteria for nutrients, the criteria for both states are narrative.
100c	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	Hg	Mercury: We agree with choice of mercury numeric criteria however, the DEQs in Table 2.2.2 have removed the narrative portion of the mercury standard. Why?	Narrative criteria language is in Table 2.2.1, where full criteria citations are compiled.
100d	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	pH	pH: We agree with the choice of pH criteria.	We appreciate your support.
100e	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	S	Sediment: Why did the DEQs not utilize the explicit criteria from the state water quality standards?	The numeric criteria for both states applies to the mixing zone of point sources. Nonpoint source criteria are narrative. The numeric target for the SR-HC TMDL reach was identified to be protective of aquatic life.
100f	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	T	Temperature: TMDL correctly identifies one of Oregon's criteria related to temperature, but incorrectly applies it: "No measurable surface water temperature increase resulting from [human] activities is allowed in a basin for which salmonid fish rearing is a designated beneficial use, and in which surface water temperatures exceed 17.8 degree C" OAR 340-41-725, 765, 805, and 845(2)(b). The DEQs state that	We believe that the "No measurable surface water temperature increase resulting from [human] activities is allowed in a basin for which salmonid fish rearing is a designated beneficial use, and in which surface water temperatures exceed 17.8 degree C" OAR 340-41-725, 765, 805, and 845(2)(b) is correctly applied. We do not infer that the narrative criterion is essentially irrelevant here

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						the narrative criterion is essentially irrelevant here because the system is highly managed and elimination of temperature increases is impossible. If the DEQs do not apply the appropriate criteria as required by state law, the TMDL will not achieve its desired goals nor will the TMDL meet the state and federal requirements necessary for TMDL approval. Additionally, the temperature standard selected for salmonid spawning is a maximum of 13.0 degrees Celsius, despite the fact that Idaho's standard for this parameter is 12.8 degrees. Why are the DEQs applying this lesser number to this TMDL? Finally, the standard listed in Table 2.2.2 modifies the more stringent parameter of salmonid spawning by adding, "when and where it occurs for specific species".	because the system is highly managed and elimination of temperature increases is impossible. The application of the no-measurable-increase criteria was applied after an analysis of temperature influences within the system indicated that the majority of thermal loading was from atmospheric sources. The state of Idaho instantaneous maximum salmonid spawning criteria is 13 °C not 12.8 °C. (IDAPA 58.01.02.250.02.e.ii). The designation of when and where salmonid spawning occurs as defined in the SR-HC TMDL document is a part of both Oregon and Idaho standards.
100g	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	TDG	12. Total Dissolved Gas: The DEQs should remove the "or equal to" language from the standard listed. This is a simple correction, but it is necessary to comply with state and federal law.	12. The wording "or equal to" has been removed.
100h	Brett	Brownscombe	Hells Canyon Preservation Council	Env Int	I	28. We are concerned with the DEQs' phased implementation approach, the timeline for achievement of standards, and the likelihood of attainment. NEDC, HCPC, ONDA, and CRK are also concerned about the likelihood of successful implementation given the large costs associated with monitoring and long-term implementation. With a phased approach to load allocation and implementation and associated long time frame for real improvements in water quality (50 -70 years), the SR-HC TMDL will require an extensive and costly monitoring plan and a major commitment by the DEQs to implement it.	28. Additional text has been added to the document to identify the reasoning behind this time frame, and to clarify that pollution control mechanisms will be implemented with all deliberate speed to meet the goal. We are committed to working together to produce a partnership that will result in cost effective implementation strategies that lead to attainment of water quality targets.
100a	Brent	Foster	Columbia Riverkeepers	Env Int	TMDL	Co-signature to comments from Brett Brownscombe (#100a)	Please see response to comments from Brett Brownscombe (#100a)
100b	Brent	Foster	Columbia Riverkeepers	Env Int	N, DO	Co-signature to comments from Brett Brownscombe (#100b)	Please see response to comments from Brett Brownscombe (#100b)
100c	Brent	Foster	Columbia Riverkeepers	Env Int	Hg	Co-signature to comments from Brett Brownscombe (#100c)	Please see response to comments from Brett Brownscombe (#100c)
100d	Brent	Foster	Columbia Riverkeepers	Env Int	pH	Co-signature to comments from Brett Brownscombe (#100d)	Please see response to comments from Brett Brownscombe (#100d)
100e	Brent	Foster	Columbia Riverkeepers	Env Int	S	Co-signature to comments from Brett Brownscombe (#100e)	Please see response to comments from Brett Brownscombe (#100e)

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100f	Brent	Foster	Columbia Riverkeepers	Env Int	T	Co-signature to comments from Brett Brownscombe (#100f)	Please see response to comments from Brett Brownscombe (#100f)
100g	Brent	Foster	Columbia Riverkeepers	Env Int	TDG	Co-signature to comments from Brett Brownscombe (#100g)	Please see response to comments from Brett Brownscombe (#100g)
100h	Brent	Foster	Columbia Riverkeepers	Env Int	I	Co-signature to comments from Brett Brownscombe (#100h)	Please see response to comments from Brett Brownscombe (#100h)
100a	Bill	Marlett	Oregon Natural Desert Association	Env Int	TMDL	Co-signature to comments from Brett Brownscombe (#100a)	Please see response to comments from Brett Brownscombe (#100a)
100b	Bill	Marlett	Oregon Natural Desert Association	Env Int	N, DO	Co-signature to comments from Brett Brownscombe (#100b)	Please see response to comments from Brett Brownscombe (#100b)
100c	Bill	Marlett	Oregon Natural Desert Association	Env Int	Hg	Co-signature to comments from Brett Brownscombe (#100c)	Please see response to comments from Brett Brownscombe (#100c)
100d	Bill	Marlett	Oregon Natural Desert Association	Env Int	pH	Co-signature to comments from Brett Brownscombe (#100d)	Please see response to comments from Brett Brownscombe (#100d)
100e	Bill	Marlett	Oregon Natural Desert Association	Env Int	S	Co-signature to comments from Brett Brownscombe (#100e)	Please see response to comments from Brett Brownscombe (#100e)
100f	Bill	Marlett	Oregon Natural Desert Association	Env Int	T	Co-signature to comments from Brett Brownscombe (#100f)	Please see response to comments from Brett Brownscombe (#100f)
100g	Bill	Marlett	Oregon Natural Desert Association	Env Int	TDG	Co-signature to comments from Brett Brownscombe (#100g)	Please see response to comments from Brett Brownscombe (#100g)
100h	Bill	Marlett	Oregon Natural Desert Association	Env Int	I	Co-signature to comments from Brett Brownscombe (#100h)	Please see response to comments from Brett Brownscombe (#100h)
100a	Tyson	Smith	Northwest Environmental Defense Center	Env Int	TMDL	Co-signature to comments from Brett Brownscombe (#100a)	Please see response to comments from Brett Brownscombe (#100a)
100b	Tyson	Smith	Northwest Environmental Defense Center	Env Int	N, DO	Co-signature to comments from Brett Brownscombe (#100b)	Please see response to comments from Brett Brownscombe (#100b)
100c	Tyson	Smith	Northwest Environmental Defense Center	Env Int	Hg	Co-signature to comments from Brett Brownscombe (#100c)	Please see response to comments from Brett Brownscombe (#100c)
100d	Tyson	Smith	Northwest Environmental Defense Center	Env Int	pH	Co-signature to comments from Brett Brownscombe (#100d)	Please see response to comments from Brett Brownscombe (#100d)
100e	Tyson	Smith	Northwest Environmental Defense Center	Env Int	S	Co-signature to comments from Brett Brownscombe (#100e)	Please see response to comments from Brett Brownscombe (#100e)
100f	Tyson	Smith	Northwest Environmental Defense Center	Env Int	T	Co-signature to comments from Brett Brownscombe (#100f)	Please see response to comments from Brett Brownscombe (#100f)
100g	Tyson	Smith	Northwest Environmental Defense Center	Env Int	TDG	Co-signature to comments from Brett Brownscombe (#100g)	Please see response to comments from Brett Brownscombe (#100g)
100h	Tyson	Smith	Northwest Environmental Defense Center	Env Int	I	Co-signature to comments from Brett Brownscombe (#100h)	Please see response to comments from Brett Brownscombe (#100h)
101a	Jerry	Erstrom	Lower Willow Creek Working Group	WAGs	TMDL	1. Supportive of the adaptive management plan. 2. Suggested that rather than reviewing the TMDL in five years and making adjustments at that time, if the data is available now, the TMDL should be “done right	1. We appreciate your support and look forward to your participation in this process. 2. Please see response to comments from Jerry Erstrom (#50d).

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						the first time”.	
101b	Jerry	Erstrom	Lower Willow Creek Working Group	WAGs	I	1. Supportive of the time frame for implementation 2. Stated that the residents of the Lower Willow Creek area are active and dedicated to improved water quality but the TMDL must be based on sound science.	1. We appreciate your support. 2. We sincerely appreciate this commitment on behalf of the residents of the Lower Willow Creek area and other areas of the SR-HC TMDL reach and inflowing tributaries. We are committed to working together to produce a partnership that will result in cost effective implementation strategies that lead to attainment of water quality targets.
101c	Jerry	Erstrom	Lower Willow Creek Working Group	WAGs	N	1. Not supportive of the 0.07 mg/L total phosphorus target. Expressed concern that natural background levels of phosphorus would make the target unobtainable 2. Low dissolved oxygen in Brownlee is inherent to the reservoir, not a product of agricultural sources.	1. Please see response to comment from Roger Findley (#27a), Carl Hill (#22a, part 1) and Brian Cleaver (#25b). 2. Some of the low dissolved oxygen problems identified are the result of reduced assimilative capacity in the reservoirs. This is described in detail in the nutrient loading analysis in the SR-HC TMDL. Please see response to comments from Clint Shock (#45b). However, the majority of the low dissolved oxygen problems identified are the result of excessive nutrient loading from the Upstream Snake River segment of the SR-HC TMDL reach (RM 409 to 335).
101d	Jerry	Erstrom	Lower Willow Creek Working Group	WAGs	Hg	More data and study is needed to assess mercury appropriately.	We agree. Water column data is specifically identified as a high priority for collection by the draft SR-HC SBA and mercury loading analysis. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon’s schedule for TMDL development.
102	David R	Henderson	US Bureau of Land Management	Agency	TMDL, I	1. BLM wishes to be an active participant in the ongoing TMDL process for the SR-HC and the tributary TMDLs 2. Identified additional references for addition to Appendix D of the Oregon Implementation Plan.	1. We understand that work load considerations may have inhibited your participation in the initial phases of the SR-HC TMDL process and welcome your participation at whatever level is possible. 2. These references have been incorporated
103	Mike	Hess	TVCC student	Prv Ctz	TMDL	Goals should be kept attainable.	Thank you for you comment,
104a	Ray	Jaindl	Oregon Department of Agriculture	Ag	TMDL	The US Army Corp of Engineers should be involved in the implementation of this TMDL as management of the reservoirs could have an obvious benefit on water quality.	We appreciate this suggestion and will incorporate it into the SR-HC TMDL process to the extent appropriate.
104b	Ray	Jaindl	Oregon Department of	Ag	N	Questioned that as the highest total phosphorus	Elevated total phosphorus concentrations are

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
			Agriculture			concentrations were observed in the spring it may relate to natural loading. More data would be helpful in answering this question.	observed in the spring and without question a portion of this observed load is due to natural events such as erosion and transport from increased spring flows, however, our analyses indicate that the elevated total phosphorus concentrations observed in the summer months (May through September) are what contribute most directly to the impairment of designated uses. Additional data will be collected during the SR-HC TMDL and implementation process.
104c	Ray	Jaindl	Oregon Department of Agriculture	Ag	S	Natural load allocation to the drains is inconsistent, units should be added to the tables. USLE and RUSLE are inappropriate for this application. A delivery ratio should be applied to use these mechanisms for estimation.	We agree, this has been corrected. Additional information has been added to clarify the approach used.
104d	Ray	Jaindl	Oregon Department of Agriculture	Ag	T	1. Statement that elevated water temperatures “do not occur solely as the result of the Hells Canyon Complex” is inaccurate as data available may include the effects of upstream impoundments. 2. The use of the 95 th percentile temperature as representative of groundwater temperatures is inappropriate. The 60-67 th percentile should be used. Ground water probably has a greater cooling effect than that modeled. 3. Reservoir management should be included as a specific action for improved water quality under temperature.	1. Please see response to comments from Samuel Penny (#83a). 2. We agree that groundwater may have a greater cooling effect than that modeled. The 95 th percentile was used as a conservative estimate because of the fact that warm spring inflow and other factors change over the scope of the SR-HC TMDL and were not well quantified in the available information. 3. We appreciate this suggestion. Changes in flow are outside of the scope of the SR-HC TMDL but may be addressed in the implementation plan for the Hells Canyon Complex as part of the FERC relicensing.
104e	Ray	Jaindl	Oregon Department of Agriculture	Ag	Hg	A better explanation of the mercury cycle specific to avenues of ingestion of mercury by fish would be helpful in understanding the associated concerns.	Additional text has been added to the SR-HC SBA and mercury loading analysis clarify and better explain.
104f	Ray	Jaindl	Oregon Department of Agriculture	Ag	I	1. Requested inclusion of additional Oregon Department of Agriculture rules and enforcement authorities in the water quality management plan. 2. Table caption on page 532 is misleading. 3. The title of Appendix 2 of the Oregon Implementation Plan should be changed to more accurately reflect ODA's involvement.	1. This change has been made. 2. The table caption has been clarified. 3. This change has been made.
105	Tim L	Kerns	Baker County, OR	Loc Gov	N	1. Not supportive of the reductions required of the Powder River through the 0.07 mg/L total phosphorus target	1. Please see response to comment from Carl Hill (#22a). 2. Low flows have been evaluated as a portion of

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						2. Expressed concern about low flows and lack of dilution capability due to lack of storage capacity 3. Expressed concern over natural background levels of phosphorus making the target unobtainable	the overall nutrient analysis for the SR-HC TMDL. Implementation projects that result in lower concentrations upstream will help to attain the target concentration at the inflow to the Snake River. 3. Please see response to comments from Carl Hill (#22a, part 1) and Brian Cleaver (#25b).
106		Duplicate comment				Duplicate copy of comments submitted - Removed from list	
107a	Jim	Nakano	Malheur Watershed Council	Ag	TMDL	Supportive of the adaptive management approach	We appreciate your support.
107b	Jim	Nakano	Malheur Watershed Council	Ag	T	Temperature and cold water beneficial uses are incorrectly designated	Please see response to comments from Russ Hursh (#33e, part 1) and Burrell Lovell (#41).
107c	Jim	Nakano	Malheur Watershed Council	Ag	N	1. Not supportive of the total phosphorus load allocation for the Malheur River 2. Low dissolved oxygen in Brownlee is inherent to the reservoir, not a product of agricultural sources	1. Please see response to comment from Carl Hill (#22a, part 1), Roger Findley (#27a) and Brian Cleaver (#25b). 2. Some of the low dissolved oxygen problems identified are the result of reduced assimilative capacity in the reservoirs. This is described in detail in the nutrient loading analysis in the SR-HC TMDL. Please see response to comments from Clint Shock (#45b). However, the majority of the low dissolved oxygen problems identified are the result of excessive nutrient loading from the Upstream Snake River segment of the SR-HC TMDL reach (RM 409 to 335).
107d	Jim	Nakano	Malheur Watershed Council	Ag	Hg	Mercury is from mining and natural deposits. More studies would be valuable.	The concerns about mercury loading from upstream or tributary sources will be assessed as part of the SR-HC TMDL for the Owyhee River and, if the SR-HC mercury TMDL shows anthropogenic upstream loading to represent a pollutant source, load allocations can be identified for those sources. If this results in a situation different from that identified for the Owyhee River in the SR-HC TMDL, the SR-HC mercury TMDL will be revised to reflect this information. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
107e	Jim	Nakano	Malheur Watershed Council	Ag	I	1. Stated that the residents of the Malheur County area are actively dedicated to improved water quality but the TMDL must be based on sound science. 2. Stated that the citizens of Malheur County will respond given a plan and goals that are reasonable	1-2. We sincerely appreciate this commitment on behalf of the residents of Malheur County and other areas of the SR-HC TMDL reach and inflowing tributaries. We are committed to working together to produce a partnership that will result in cost effective implementation strategies that lead to attainment of water quality targets.
108a	Linda	Rowe	Malheur County Soil and Water Conservation District	Ag	TMDL	Adaptive management approach should be adopted by the DEQs and EPA, not just mentioned as a proposed stakeholder approach.	The adaptive management plan in the draft SR-HC TMDL document was authored by the DEQs. As such, it is supported by the DEQs. The approach to total phosphorus load allocations proposed by stakeholders has been incorporated into the SR-HC TMDL as appropriate.
108b	Linda	Rowe	Malheur County Soil and Water Conservation District	Ag	T	Temperature and cold water beneficial uses are incorrectly designated.	Please see response to comments from Russ Hursh (#33e, part 1) and Burrell Lovell (#41).
108c	Linda	Rowe	Malheur County Soil and Water Conservation District	Ag	N	1. Low dissolved oxygen in Brownlee is inherent to the reservoir, not a product of agricultural sources 2. Not supportive of the 0.07 mg/L total phosphorus target.	1. Some of the low dissolved oxygen problems identified are the result of reduced assimilative capacity in the reservoirs. This is described in detail in the nutrient loading analysis in the SR-HC TMDL. Please see response to comments from Clint Shock (#45b). However, the majority of the low dissolved oxygen problems identified are the result of excessive nutrient loading from the Upstream Snake River segment of the SR-HC TMDL reach (RM 409 to 335). 2. Please see response to comment from Roger Findley (#27a), Carl Hill (#22a, part 1) and Brian Cleaver (#25b).
108d	Linda	Rowe	Malheur County Soil and Water Conservation District	Ag	Hg	Mercury approach is inaccurate. Mercury is from Silver City, Idaho. Irrigated agriculture is not increasing mercury in the Snake, it may be reducing it.	The concerns about mercury loading from upstream or tributary sources will be assessed as part of the TMDL for the Owyhee River and, if this TMDL shows anthropogenic upstream loading to represent a pollutant source, load allocations can be identified for those sources. If this results in a situation different from that identified for the Owyhee River in the SR-HC TMDL, the SR-HC mercury TMDL will be revised to reflect this information. The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The

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							mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
108e	Linda	Rowe	Malheur County Soil and Water Conservation District	Ag	I	Grazing recommendations on federal land may be incompatible with the 50 to 70 year time frame and could destroy the livestock industry in Malheur County.	BLM will be involved in the preparation of the site specific implementation plans so this issue can be explored with their participation and oversight.
109a	James C	Tucker	Idaho Power Company	Hydro	TMDL	1. Supportive of the watershed approach 2. Supportive of finalization of the draft TMDL with no major revisions. If major revisions occur, they must be accompanied by a full notice and comment period.	1. We appreciate your support and look forward to your participation in this effort. 10. If warranted, an appropriate public comment period will be scheduled.
109b	James C	Tucker	Idaho Power Company	Hydro	N	1. Supportive of the 0.07 mg/L total phosphorus target. The target is supported by sound technical analysis and the best data currently available 2. Excessive algae growth in the Snake River above the Hells Canyon Complex is driven in large part by high phosphorus loading and is effecting the biological community in the river (for example White Sturgeon). 3. Supportive of the proposed total phosphorus allocation method for tributaries identified in the draft TMDL. Supportive of the fact that this method does not require any tributary to reduce below the total phosphorus target concentration. 4. The dissolved oxygen load allocation for Idaho Power Company does not account for natural aeration or reduced sediment oxygen demand. For this reason, the dissolved oxygen load allocation is at the high end of the appropriate range. Suggests that a load allocation of 880 tons per year (11 tons/day) rather than 1,450 tons per year (18 tons/day) would be more appropriate.	1. We appreciate your support. 2. We agree. 3. We appreciate your support. 4. We appreciate the information provided and acknowledge that the method of calculation used is specific to the improved dissolved oxygen levels identified to occur due to decreased algae growth. We feel that the existing dissolved oxygen allocation of 1,125 tons per year (17 tons/day) represents a conservative estimate of the system requirement due to a decrease in assimilative capacity specific to the Hells Canyon Complex. This conservative estimate allows a margin of safety that is protective of dissolved oxygen concentrations in both low and high water years.
109c	James C	Tucker	Idaho Power Company	Hydro	T	1. The DEQs temperature analysis improperly ignores anthropogenic effects on the water temperature from flow alteration, diversions, impoundments upstream, loss of riparian areas, diking and stream alterations. Assumptions of relative anthropogenic influences (mainstem to tributary systems) is flawed because the hydrologic, geomorphic and anthropogenic characteristics of the tributary systems are much different from those of the mainstem. Anthropogenic influences to the tributaries occur on a much larger scale than on the mainstem Snake River. Suggests that over 50% of the warming	1. The SR-HC TMDL openly acknowledges that the available data is insufficient to quantify temperature influences from the sources identified by Idaho Power Company. Additional text has been added to further clarify this point. The current assessment only evaluates the impacts of current tributary temperatures on the Snake River and in no way attempts to analyze compliance with water quality standards in the tributaries themselves. The SR-HC TMDL expressly requires that tributary TMDLs include an assessment of anthropogenic and non-anthropogenic loading

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						<p>in the Upstream Snake River may be attributable to anthropogenic sources.</p> <p>2. Non-supportive of the statement that Idaho Power will need to analyze temperature distributions pre and post construction during the FERC and 401 Certification processes and propose modifications to dams/reservoir operations to ensure that designated beneficial uses are not negatively impacted by the presence of the impoundments.</p> <p>3. Data collected by Idaho Power Company demonstrate that the thermal regime downstream of the Hells Canyon Complex is more suitable for cold water aquatic life than upstream of the complex.</p> <p>4. The Snake River temperature TMDL should be deferred until a watershed analysis has been performed and a watershed-based allocation process can be implemented.</p>	<p>specific to the five major tributaries. The information generated by these efforts will be used to refine the existing temperature loading assessment. If further data is available to clarify the unquantified temperature influences, its submission is welcomed.</p> <p>2. This text has been changed in the SR-HC TMDL. The DEQs are working to identify load appropriate allocations for Idaho Power Company downstream of Hells Canyon Dam. The water quality management plan states that the 401 Certification process will act as a toll for implementation of a load allocation.</p> <p>3. We agree that during summer months the reservoirs have a demonstrated cooling effect.</p> <p>4. Please see response to comment from Larry Heidbrink (#31d, part 1).</p>
110a	Jeff	Zakel	Oregon Department of Fish and Wildlife	Agency	TMDL	<p>1. Requested clarification and definition of terms/concepts used in relation to aquatic species and target applications.</p> <p>2. Requested the addition of federally listed wildlife and aquatic species to existing information.</p> <p>3. Sturgeon populations in the Snake River from Swan Falls to Brownlee Dam are considerably below the management goal. The importance of this species should not be overlooked.</p> <p>4. The TMDL should describe the historic distribution and habitat of salmonids in the Snake River Basin. It should also discuss how it will address fish passage and reintroduction in the relicensing.</p> <p>5. Expressed concern that the review schedule for the TMDL may not be met given workload considerations on the part of the DEQs.</p> <p>6. Monitoring should be added to the list of responsibilities for Dams. Progress monitoring is critical.</p> <p>7. The TMDL should identify the party responsible for tracking and coordinating monitoring efforts.</p>	<p>1. Clarification and definition of terms/concepts have been added to the document.</p> <p>2. Federally listed wildlife and aquatic species have been added.</p> <p>3. Comment noted.</p> <p>4. This is outside the scope of this document. 13. It is the intent of the DEQs to meet this schedule.</p> <p>5. Monitoring has been added to the list of responsibilities for DMAs where appropriate within the Implementation and Water Quality Management Plans.</p> <p>6. This point is well taken. The monitoring plan prepared will include this information.</p> <p>7. This will be included as part of the Water Quality Management and Implementation Plans.</p>
110b	Jeff	Zakel	Oregon Department of Fish and Wildlife	Agency	N	<p>1. The dissolved oxygen target should be selected to be protective of the most sensitive fish species.</p> <p>2. Disagree with the identification of hypolimnetic waters as a “second priority”. These waters represent</p>	<p>1. We recognize IDFW’s concerns but feel that cool water is the dominant species in the SR-HC TMDL reach. We believe that current targets are protective of cold water species, especially given</p>

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						habitat for sturgeon and macroinvertebrates. 3. Expressed concern that the attainment of the 0.07 mg/L total phosphorus target would not result in full support of aquatic species in Brownlee Reservoir due to low dissolved oxygen levels.	the use patterns identified for rainbow and redband trout in the Hells Canyon Complex. 2. Text has been added to clarify the priority rating on improved dissolved oxygen and reiterate that long-term improvements are projected for the hypolimnetic waters. The document identifies white sturgeon as a resident species. 3. The SR-HC TMDL recognizes this and allocates additional dissolved oxygen to Idaho Power for Brownlee Reservoir.
110c	Jeff	Zakel	Oregon Department of Fish and Wildlife	Agency	T	1. Not supportive of the use of 1954 to 1958 temperature data to identify water temperatures in a relatively unregulated system. Available data show that the thermal regime of the Snake River Basin was significantly altered prior to the development of the Hells Canyon Complex. 2. The TMDL needs to recognize that the Hells Canyon Complex acts to warm water within the SR-HC TMDL reach in the late fall and winter season. The potential effect of this warming on fall chinook needs to be discussed. 3. The Burnt and Powder Rivers do not provide optimal rearing conditions for salmonids in the summer months. 4. We believe that using 17.5 °C as an average ground water temperature will underestimate the cooling influence of ground water.	1. We agree. Clarification has been added to define pre and post Hells Canyon Complex temperatures rather than “a relatively unregulated system”. 2. The SR-HC TMDL recognizes this occurrence. Additional text has been added to address the condition of the fall temporal shift that results in waters below Hells Canyon Dam being warmer for longer in the fall. 3. We recognize this. They are not classified as cool water refugia for the purposes of the SR-HC TMDL. 4. We agree. This value was chosen as a “worst case scenario” so that benefits would be estimated conservatively.
110d	Jeff	Zakel	Oregon Department of Fish and Wildlife	Agency	Hg	We are concerned that there is no recommendation to monitor wildlife for mercury and pesticide bioaccumulation.	We appreciate this concern and will contact ODFW on the possibility that IDFG and ODFW could share this role.
110e	Jeff	Zakel	Oregon Department of Fish and Wildlife	Agency	I	Expressed concern that landowners and management agencies would wait to begin implementation until data collection is complete.	Additional text has been added to the document to clarify that pollution control mechanisms will be implemented with all deliberate speed to meet the goal.
111	Frank	McKeever	City of Middleton	Muni	O	The City of Middleton requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch’s letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
112	Don	Stephens	City of Weiser	Muni	O	The City of Weiser requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch’s	Please see response to comments from Robbin Finch (#69)

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
						letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	
113	Larry J	Kellar	City of Cambridge	Muni	O	The City of Cambridge requests that the DEQs review and include in the final TMDL the comments and recommendations included in Mr. Robbin Finch's letter dated April 19, 2002 regarding the draft TMDL document (Comment #69)	Please see response to comments from Robbin Finch (#69)
114a	Michael B	Barlow	Malheur County Soil and Water Conservation District	Ag	TMDL	<ol style="list-style-type: none"> 1. The Mid-Snake River TMDL should be rewritten using established facts. 2. Supportive of the adaptive management approach 3. Agriculture should be given credit for the progress they have made. 4. Idaho Power Company should be required to update rural power lines. 	<ol style="list-style-type: none"> 1. The Mid-Snake TMDL was authored by the Twin Falls Regional Office of IDEQ and was approved in 1997 by EPA. This TMDL is based on sound science and known fact. It will potentially go through periodic reviews and revisions as part of the iterative TMDL process. 2. We appreciate your support and look forward to you participation in this process. 3. The SR-HC TMDL notes those past efforts of which we are aware. The majority of those listed are in Malheur County. We welcome additional information on the progress being made and will continue to update the SR-HC TMDL through the phased process. 4. This is outside the scope of the SR-HC TMDL process.
114b	Michael B	Barlow	Malheur County Soil and Water Conservation District	Ag	N	<ol style="list-style-type: none"> 1. Low dissolved oxygen in Brownlee is inherent to the reservoir, and can be corrected by aeration and change in flows. 2. Not supportive of the total phosphorus target because of concerns about natural levels, seasonal target, point source discharges. 	<ol style="list-style-type: none"> 1. Some of the low dissolved oxygen problems identified are the result of reduced assimilative capacity in the reservoirs. This is described in detail in the nutrient loading analysis in the SR-HC TMDL. Please see response to comments from Clint Shock (#45b). However, the majority of the low dissolved oxygen problems identified are the result of excessive nutrient loading from the Upstream Snake River segment of the SR-HC TMDL reach (RM 409 to 335). 2. Please see response to comment from Roger Findley (#27a) and Carl Hill (#22a).
114c	Michael B	Barlow	Malheur County Soil and Water Conservation District	Ag	Hg	Mercury is from mining in the Jordan Creek drainage and natural deposits in the Owyhee drainage. These sources should be addressed.	The concerns about mercury loading from upstream or tributary sources will be assessed as part of the TMDL for the Owyhee River and, if this TMDL shows anthropogenic upstream loading to represent a pollutant source, load allocations can be identified for those sources. If this results in a situation different from that identified for the

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No.	From (first)	From (last)	Affiliation	Category	Theme	Comment	Response
							Owyhee River in the SR-HC TMDL, the SR-HC mercury TMDL will be revised to reflect this information . The DEQs have agreed to not submit a mercury TMDL, but intend to reconsider it after the collection of more water column data. The mercury TMDL will be developed and submitted per Oregon's schedule for TMDL development.
114d	Michael B	Barlow	Malheur County Soil and Water Conservation District	Ag	TDG	Total dissolved gas problems are the result of spillway problems in Brownlee and Hells Canyon reservoirs. Idaho Power should be required to construct new spillways.	The draft SR-HC TMDL document identifies spill from Brownlee and Hells Canyon Dams as sources of elevated total dissolved gas. Load allocations have been identified. For this and all other load allocation processes, the specific measures implemented to reach the required concentrations will be identified as part of the implementation process.
115a	Mike	Medberry	Citizen ID	Env Int	TMDL	1. Expressed concern about the water quality in the SR-HC TMDL reach specific to water quality violations of dissolved oxygen, mercury, nutrients, and temperature. 2. There is a sense that the river is too contaminated to use because of the pollutants above. Endangered species including Idaho Springtail, White Sturgeon, and Bull Trout require appropriate water quality. 3. Monitoring should be done on an annual basis.	1. We appreciate your concern. 2. We agree that designated uses require appropriate water quality. 3. We agree. Monitoring is a critical component of the SR-HC TMDL and implementation process.
115b	Mike	Medberry	Citizen ID	Env Int	I	Not supportive of the implementation time line. The plan should be 10 years duration at most.	The implementation required to attain the instream goals for total phosphorus for the SR-HC TMDL cannot be effectively accomplished in a 10 year time frame. Additional text has been added to the load allocation section of the SR-HC TMDL to clarify the reasoning behind the 50 to 70 year implementation time frame identified.
116a	Bert	Bowler	Idaho Rivers United	Env Int	TMDL	1. Waters should be safe for swimming and contact recreation. 2. State and federal water quality standards must be met.	1. We agree. 2. We agree.
116b	Bert	Bowler	Idaho Rivers United	Env Int	I	Spawning improvements should be realized in a timely manner. In our opinion the 50 to 70 year time frame is unreasonable.	The implementation required to attain the instream goals for total phosphorus for the SR-HC TMDL cannot be effectively accomplished in a 10 year time frame. Additional text has been added to the load allocation section of the SR-HC TMDL to clarify the reasoning behind the 50 to 70 year

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							implementation time frame identified.